

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 19-CA-254438	Date Filed 1-9-2020

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer The Boeing Company	b. Tel. No. (214) 259-4962
	c. Cell No.
	f. Fax No. (214) 965-7762
d. Address (Street, city, state, and ZIP code) P.O. Box 3707 Mail Code 7A-XP Seattle, WA 98124	e. Employer Representative Brennan Bolt
	g. e-mail bbolt@perkinscoie.com
	h. Number of workers employed ~22,000
i. Type of Establishment (factory, mine, wholesaler, etc.) Aerospace manufacture	j. Identify principal product or service Aerospace products
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See Attachment A	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Society of Professional Engineering Employees in Aerospace,	
4a. Address (Street and number, city, state, and ZIP code) 15205 52nd Ave. South Tukwila, WA 98188-2390	4b. Tel. No. 206-433-0991
	4c. Cell No.
	4d. Fax No. 206-248-3990
	4e. e-mail rayg@speea.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Federation of Professional & Technical Engineers	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge)	
Ellen M. Kelman (Print/type name and title or office, if any)	
600 Grant St., Ste. 825, Denver CO 80206 Address	
Date 1/9/20	
Tel. No. 303-333-7751	
Office, if any, Cell No.	
Fax No. 303-333-7758	
e-mail ekelman@laborlawdenver.com	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Attachment A

The employer has engaged, and continues to engage, in actions with the intent and effect of interfering with employee free choice in the selection of a bargaining representative in the SPEEA Pilots and Instructors Unit and which taint the union's apparent loss of majority support, evidenced by the decertification petition in case 19-RD-254116. The employer's actions have been cumulative, culminating in specific contract violations as set out in a grievance filed simultaneously herewith, and include rewarding BU members for leading a decertification effort in 2016 with unwarranted promotions; movement of core work out of the bargaining unit under pretense of business motivation; providing substantial salary increases to all and only pilots who are not members of the bargaining unit and refusing to provide comparable increases to bargaining unit members despite internal documentation within the company establishing that the rates being paid were not competitive and were causing significant attrition in the unit, an attrition that has accelerated in the past six months and has contributed to a reduction of the bargaining unit of approximately 70% since the unit was formed in 2012; failure and refusal to abide by its contractual obligation to provide the union with data regarding the composition of the unit, as set out in the grievance referenced above; failing to provide information necessary to the union to perform its representative functions, including information both regarding unit jurisdictional work concerning investigations on the crashes of the 737MAX and pilot training for the 737MAX, and why that work was re-assigned away from the bargaining unit and economic information about pilot salaries; and (on information and belief) directly offering incentives to unit members for supporting the current decertification petition.

Case Assignment / Coding Sheet -- Charge Against Employer

RECEIVED

DATE & TIME:

9
1/17/20

8:27



A.M.
P.M.

☐ WALK-IN ☐ MAILED ☒ E-FILED ☐ FAXED

Case Name: The Boeing Company

Case Number: 19 - CA 254438 INQUIRY #: # 1-2648196541

Dispute location (if known):

Agent & Category: Dunn

3

Seattle/Renton

10(j) Potential:

YES	NO	See NOTES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

See Purple Sheet:

Include Back Pay Insert:

USPS Info Handout:

USPS Weing. Handout:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

NOTES

Relate on case level
to RD-25411b

Bargaining Status:

- ☒ Existing K
- ☐ None
- ☐ Organ. Campaign
- ☐ Seeking Initial K
- ☐ Seeking Successor K

8(a)(4)

- ☐ Catchall ?
- ☐ Changes in Terms and Conditions of Employment
- ☐ Discharge (including Layoff and Refusal to Hire)
- ☐ Discipline
- ☐ Refusal to Reinstatement Employee/Striker
- ☐ Shutdown or Relocate/ Subcontract Unit Work

8(a)(5)

- ☐ Alter Ego
- ☐ Failure to Sign Agreement
- ☐ Refusal to Bargain/Bad Faith Bargaining
- ☐ surface bargaining ☐ direct dealing

Refusal to Furnish Information

- ☐ Refusal to Hire Majority
- ☐ Refusal to Recognize

Repudiation/Modification of Contract Sec 8(d)

Unilateral Changes

- ☐ Shutdown or Relocate (e.g. First National Maint.)
- ☐ Subcontract Work

8(e)

- ☐ All Allegations against a Labor Organization
- ☐ All Allegations against an Employer

Catchall ? 8(a)(1)

Coercive Actions (Surveillance, etc)

Coercive Rules

Coercive Statements

☐ Threats ☐ Promises, etc.

Concerted Activities Retaliation

☐ Discharge ☐ Discipline etc.

Denial of Access

Discharge of supervisor (Parker-Robb Chevrolet)

Interrogation (including Polling)

Lawsuits

Weingarten

8(a)(2)

- ☐ Assistance
- ☐ Domination
- ☐ Unlawful Recognition

8(a)(3)

Catchall ?

Changes in Terms and Conditions of Employment

☐ Discharge ☐ Layoff ☐ Refusal to Hire (not salting)

Discipline

Lockout

☐ Refusal to Hire/Consider Applicant (salting only)

☐ Refusal to Reinstatement E'ee/Striker (e.g. Laidlaw)

☐ Retaliatory Lawsuit

☐ Shutdown or Relocate ☐ Subcontract Unit Work

☐ Union Security Related Actions

Snook, Dennis

From: e-service@service.nlr.gov
Sent: Thursday, January 9, 2020 8:27 PM
To: DG-EFileChgPet-SEA19
Subject: FW: 1-2648196541 Charge - CA

This is to notify you that a new Signed Charge Against Employer Document(s) has been received by your office Region 19, Seattle, Washington for Inquiry # **1-2648196541**, Charge Type CA.

You can access the document(s) filed by clicking on the link(s) in the Attachments section.

Date Submitted: 1/9/2020 8:17:04 PM (UTC-08:00) Pacific Time (US & Canada)

Dispute/Unit Location: Seattle, WA

Regional, Sub-Regional Or Resident Office: Region 19, Seattle, Washington

Employer: The Boeing Company

Charge Type: CA

Inquiry Number: 1-2648196541

Filing Party: Charging Party

Name: Kelman, Ellen

Email: ekelman@laborlawdenver.com

Address: 600 Grant St., Ste 825
Denver, CO 80203

Telephone: (303) 333-7751

Fax:

Attachments: Signed Charge Against Employer: [ULP charge.pdf](#)

DO NOT REPLY TO THIS MESSAGE. THIS IS A POST-ONLY NOTIFICATION.
MESSAGES SENT DIRECTLY TO THE EMAIL ADDRESS LISTED ABOVE WILL NOT BE READ.

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From: Dunn, Sara C.
Sent: Friday, January 10, 2020 3:03 PM
To: Bolt, Brennan (Perkins Coie)
Subject: Courtesy Copy of Charge CHG.19-CA-254438.signed ULP charge.pdf
Attachments: CHG.19-CA-254438.signed ULP charge.pdf

Brennan,

Attached is a copy of the charge. As the legal representative for the Employer, you will be sent this by regular mail. I don't believe it will appear on NLRB website because the Agency redacts certain information. As such, those who are not a party to the case request a copy of the charge through FOIA.

Thanks,

Sara

Sara C. Dunn

Field Examiner
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, WA 98174

(206) 220 - 6318 (direct)
(202) 689 - 7580 (cell- note, that's a 202 area code!)
sara.dunn@nrlrb.gov

Please note the NLRB will soon begin to require electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website. Below is information to assist you in this requirement:

1. Written instructions for using the Agency's E-Filing system and the Agency's Electronic Filing Terms and Conditions policy have been posted on the Agency's website. See <http://apps.nrlrb.gov/myAccount/assets/E-Filing-System-User-Guide.pdf>.
2. The Agency's website also contains a video demonstration which provides step-by-step instructions. See https://apps.nrlrb.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html.
3. For Frequently Asked Questions, please see <https://apps.nrlrb.gov/myAccount/#/FileCaseDocuments/FAQ>
4. **If you require additional assistance with E-Filing, please contact e-filing@nrlrb.gov**
5. If you're ready to e-file a new charge or petition, go to <https://apps.nrlrb.gov/chargeandpetition/#/>

To provide feedback on your E-Filing experience, see: <https://www.nrlrb.gov/how-we-work/fillable-forms/site-feedback>

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From: Ellen Kelman <ekelman@laborlawdenver.com>
Sent: Friday, January 10, 2020 6:19 PM
To: Cherem, Rachel
Cc: Ray Goforth; Rich Plunkett; Jason Collette
Subject: RE: Boeing (19-CA-254438)
Attachments: (b) (6), Draft OOP_.docx
(b) (7)

Rachel – nice talking to you.

I'm attaching FYI the draft Offer of Proof that (b) (6), (b) (7)(C) was working on when we got the notification that the charge was blocking the decert; I'm hoping that the offers of proof will facilitate the affidavits.

As of now, we THINK you have all the documentation we can provide, but we'll use the extra breathing room time to see if there is more to be dug out.

Have a nice weekend,

Ellen M. Kelman
The Kelman Buescher Firm
600 GRANT ST., SUITE 825
DENVER, CO 80203
phone: (303) 333-7751
fax: (303) 333-7758
email: ekelman@laborlawdenver.com

THE KELMAN BUESCHER FIRM

PROTECTING ROCKY MOUNTAIN WORKERS
& THEIR UNIONS SINCE 1967

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND CONTAINS INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.

If you are not the intended recipient of the above e-mail, please be advised that any dissemination, distribution or copying of this communication is prohibited.

"Mourn for the dead; fight like hell for the living."

Mother (Mary) Jones

From: Cherem, Rachel <Rachel.Cherem@nrlrb.gov>
Sent: Friday, January 10, 2020 3:58 PM

To: Ellen Kelman <ekelman@laborlawdenver.com>

Subject: Boeing (19-CA-254438)

Ellen,

Thanks for speaking to me just now about the above matter.

As we discussed, I have blocked out Tuesday and Thursday, January 21st and 23rd, from 8:15 a.m. to 3 p.m. for SPEEA affidavits. Please provide any additional documentation next week so I can prepare for those affidavits.

Feel free to be in touch with any questions.

Thanks,
Rachel

Rachel Cherem

Field Attorney

National Labor Relations Board, Region 19

2948 Jackson Federal Building

915 Second Avenue, Seattle, WA 98174

Office: (206) 220-6298

Cell: (202) 262-7155

Fax: (206) 220-6305

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2. The Agency's website also contains a video demonstration which provides step-by-step instructions. See https://apps.nlr.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html.
3. For Frequently Asked Questions, please see <https://apps.nlr.gov/myAccount/#/FileCaseDocuments/FAQ>
4. If you require additional assistance with E-Filing, please contact E-Filing@NLRB.gov.

To provide feedback on your E-Filing experience, see: <https://www.nlr.gov/how-we-work/fillable-forms/site-feedback>

Case Name: The Boeing Company
Case No.: 19-CA-254438
Agent: Rachel Cherem, Field Attorney

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
1/10/20	Ellen Kelman, Union	Phone	Asked if I saw offer of proof. There is an additional person to take an affidavit. (b) (5) [REDACTED] We blocked out two days for affidavits (b) (6), (b) (7)(C) [REDACTED]
1/13/20	Ellen	Phone	I left VM saying I wanted to talk about the charge, (b) (5) [REDACTED]
2/4/20	Ellen	Phone	We discussed her cancellation of today's affidavit (b) (5) [REDACTED]
2/6/20	Ellen	Phone	(b) (5) [REDACTED] [REDACTED] talked to her about the logistics and timeline of an election. We decided that she

[illegible]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
NLRB
Mobile App

January 10, 2020

Society of Professional Engineering Employees
in Aerospace, IFPTE, Local 2001
15205 52nd Ave S
Tukwila, WA 98188-2336

Re: The Boeing Company
Case 19-CA-254438

Dear Sir or Madam:

The charge that you filed in this case on January 09, 2020 has been docketed as case number 19-CA-254438. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner SARA C. DUNN whose telephone number is (206) 220-6318. If this Board agent is not available, you may contact Supervisory Field Examiner DIANNE TODD whose telephone number is (206) 220-6319.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, slightly slanted style.

RONALD K. HOOKS
Regional Director

cc: Ellen M. Kelman, Attorney
The Kelman Buescher Firm
600 Grant St. - Ste. 825
Denver, CO 80203-3525



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
NLRB
Mobile App

January 10, 2020

The Boeing Company
PO Box 3707, MC 7A-XP
Seattle, WA 98124-2207

Re: The Boeing Company
Case 19-CA-254438

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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January 10, 2020

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RONALD K. HOOKS
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Brennan W. Bolt, Attorney
Perkins Cole LLP
500 N Akard St Ste 3300
Dallas, TX 75201-3347

Jill Antonin, Labor Relations Specialist
The Boeing Company
Mail Code 687-06
535 Garden Ave N
Renton, WA 98057-5580

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

19-CA-254438

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (*Check the largest amount*)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (*If yes, name and address of association or group.*)**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRENAME AND TITLE (*Type or Print*)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

THE BOEING COMPANY

Charged Party

and

**SOCIETY OF PROFESSIONAL ENGINEERING
EMPLOYEES IN AEROSPACE,
INTERNATIONAL FEDERATION OF
PROFESSIONAL AND TECHNICAL
ENGINEERS, LOCAL 2001**

Charging Party

Case 19-CA-254438

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 10, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Brennan W. Bolt, Attorney
Perkins Cole LLP
500 N Akard St Ste 3300
Dallas, TX 75201-3347

Jill Antonin, Labor Relations Specialist
The Boeing Company
Mail Code 687-06
535 Garden Ave N
Renton, WA 98057-5580

The Boeing Company
PO Box 3707, MC 7A-XP
Seattle, WA 98124-2207

January 10, 2020

Date

Dennis Snook, Designated Agent of NLRB

Name

Dennis Snook

Signature

MEMORANDUM

TO: File

DATE: January 10, 2020

FROM: Rachel Cherem

RE: The Boeing Company
Case 19-CA-254438

Today, ARD Kobe, in his managerial discretion, decided to switch the above case from a category 3 to a category 2 for investigation purposes.

..

From: Ellen Kelman <ekelman@laborlawdenver.com>
Sent: Monday, January 13, 2020 1:29 PM
To: Cherem, Rachel
Cc: Matthew Kempf; Ray Goforth; Rich Plunkett; Jason Collette
Subject: Complete set of emails between Matt Kempf and Company reflecting the evolution of the discussions over implementation of WorkDay
Attachments: 1-4.pdf; 5-6.pdf; 7.pdf; 8-9.pdf; 10-11.pdf; 12-13.pdf; 14-17.pdf; 18-19.pdf; 20-21.pdf; 22-23.pdf; 24-26.pdf; 27.pdf; 28-34.pdf; 35-40.pdf; 41-43.pdf; 44-46.pdf; 47-50.pdf; 102-103.pdf

Rachel – I understand that the snow has, indeed, hit, so I don't know who is working (or will be working later today and this week) in Seattle and Tukwila, but I thought I would get these off to you now: While (b) (6), (b) (7)(C) Offer of Proof (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) I hadn't wanted to attach too many documents that would have required some explanation by (b) (6), (b) (7)(C) But since you will be taking (b) (6), (b) (7)(C) affidavit, and (b) (6), (b) (7)(C) I am providing you with what I understand to be the entire set, which begins with an exchange in the fall of 2018 that arose, as I understand it (but (b) (6), (b) (7)(C) can explain) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) The blank space at the top of the documents is just the information showing that (b) (6), (b) (7)(C) forwarded these to me, and I to my (b) (6), (b) (7)(C) to docket. I don't THINK including such information would be taken to waive any privileges, but I have a better-safe-than-sorry attitude toward communications from my client, so if necessary and if you will, consider this the privilege log for those redactions.

I am also attaching (Document identified as 102-103) a June 2019 email from Rich Plunkett to (b) (6), (b) (7)(C) (referenced in (b) (6), (b) (7)(C) OOP), attempting to initiate bargaining over the new pilot contract, and raising the issues of the out-of-sequence, non-represented raises. (b) (6), (b) (7)(C) OOP discusses the company's reaction – (b) (6), (b) (7)(C) can tell you in more detail in (b) (6), (b) (7)(C) affidavit.

I'll keep checking whether I think there are additional documents that we might want to submit. **(Ray, Rich and Jason—that is why you are cc'd on this. Please let me know if you think of more that you believe you would like to submit.)**

Stay safe and warm, everyone!!

ellen

Ellen M. Kelman
The Kelman Buescher Firm
600 GRANT ST., SUITE 825

From: Kobe, James
Sent: Friday, January 17, 2020 4:56 PM
To: Dunn, Sara C.; Todd, Dianne; Cherem, Rachel; Little, Janet C.; Perkins, Victoria; Willmore, Winnie
Subject: Case Transfer of Boeing (19-CA-254438)

The charge in Boeing (19-CA-254438) is hereby transferred from DUNN to CHEREM.

Kobe

DENVER, CO 80203
phone: (303) 333-7751
fax: (303) 333-7758
email: ekelman@laborlawdenver.com

THE KELMAN BUESCHER FIRM

**PROTECTING ROCKET MOUNTAIN WORKERS
& THEIR UNIONS SINCE 1967**

**THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS
ADDRESSED, AND CONTAINS INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.**

If you are not the intended recipient of the above e-mail, please be advised that any
dissemination, distribution or copying of this communication is prohibited.

“Mourn for the dead; fight like hell for the living.”

Mother (Mary) Jones

----- Forwarded message -----

From: **Matthew Kempf** <mattk@speea.org>

Date: Mon, Sep 10, 2018 at 8:38 AM

Subject: Re: PAY1024z-Are you receiving? How are you receiving it?

To: Martin Pascual <martinp@speea.org>

thx.

-Matt

Matthew A. Kempf

Sr. Director, Compensation and Retirement

Office: 206-674-7362

Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

On Mon, Sep 10, 2018 at 8:37 AM, Martin Pascual <martinp@speea.org> wrote:

Yes I sent it to (b) (6) through message courier.

On Mon, Sep 10, 2018 at 8:32 AM Matthew Kempf <mattk@speea.org> wrote:

can you send (b) a copy of what we receive?

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: (b) (6), (b) (7)(C) @boeing.com>
Date: Mon, Sep 10, 2018 at 8:29 AM
Subject: RE: PAY1024z-Are you receiving? How are you receiving it?
To: Matthew Kempf <mattk@speea.org>

Is it coming through Message Courier? Can you send me a copy

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (primary phone)

(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (fax)

From: Matthew Kempf [mailto:mattk@speea.org]
Sent: Monday, September 10, 2018 10:25 AM
To: (b) (6), (b) (7)(C) @boeing.com>
Subject: Re: PAY1024z-Are you receiving? How are you receiving it?

I have confirmed that yes, we receive it and still need it.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement

Office: 206-674-7362
Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

On Fri, Sep 7, 2018 at 9:09 AM, (b) (6), (b) (7)(C) @boeing.com> wrote:

Are you still receiving PAY1024z report? If so, is it coming through Message Courier?

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (primary phone)

(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (fax)

--

Martin Pascual

Director of Information Technology

206-898-0047 (Cell)

206-674-7356 (Direct Line)

www.speea.org

[www.focebook.com/SPEEA.IFPTE2001](https://www.facebook.com/SPEEA.IFPTE2001)

www.twitter.com/speea

----- Forwarded message -----

From: **Matthew Kempf** <Mattk@speea.org>

Date: Tue, Nov 20, 2018 at 8:01 AM

Subject: Re: Message Expiration Warning

To: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>

I should be set up with a secure token soon.
when it's set up, you may need to resend this.

-Matt

Matthew A. Kempf

Sr. Director, Compensation and Retirement

Office: 206-674-7362

Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

On Tue, Nov 20, 2018 at 3:00 AM Boeing MessageCourier <messagecourier@boeing.com> wrote:

MessageCourier

You have a message in the MessageCourier Messaging Center which will expire on **Nov 29 2018**.

You do not need to take any action, unless you'd like to review this message prior to its expiration.

From: (b) (6), (b) (7)(C)
Subject: Sample replacement for INT712
Sent On: Aug 31 2018 08:05 AM CDT
Message ID: (b) (6), (b) (7)(C)
Mailbox: Matthew Kempf
Expires: Nov 29 2018

Please use one of the following URLs to view your message:

Boeing Users

[https://mc.web.boeing.com/apps/msgcourier/message.do?theCurrentMailboxId=\(b\) \(6\), \(b\) \(7\)\(C\) &theRecipientType=2&theId=\(b\) \(6\), \(b\) \(7\)\(C\)](https://mc.web.boeing.com/apps/msgcourier/message.do?theCurrentMailboxId=(b) (6), (b) (7)(C) &theRecipientType=2&theId=(b) (6), (b) (7)(C))

External Users

[https://accessto.boeing.com/rpr00313/apps/msgcourier/message.do?theCurrentMailboxId=\(b\) \(6\), \(b\) \(7\)\(C\) &theRecipientType=2&theId=\(b\) \(6\), \(b\) \(7\)\(C\)](https://accessto.boeing.com/rpr00313/apps/msgcourier/message.do?theCurrentMailboxId=(b) (6), (b) (7)(C) &theRecipientType=2&theId=(b) (6), (b) (7)(C))

[https://bpn.boeing.com/msgcourier-1/apps/msgcourier/message.do?theCurrentMailboxId=\(b\) \(6\), \(b\) \(7\)\(C\) &theRecipientType=2&theId=\(b\) \(6\), \(b\) \(7\)\(C\)](https://bpn.boeing.com/msgcourier-1/apps/msgcourier/message.do?theCurrentMailboxId=(b) (6), (b) (7)(C) &theRecipientType=2&theId=(b) (6), (b) (7)(C))

[https://suppliers.boeing.com/apps-1/apps/msgcourier/message.do?theCurrentMailboxId=\(b\) \(6\), \(b\) \(7\)\(C\) &theRecipientType=2&theId=\(b\) \(6\), \(b\) \(7\)\(C\)](https://suppliers.boeing.com/apps-1/apps/msgcourier/message.do?theCurrentMailboxId=(b) (6), (b) (7)(C) &theRecipientType=2&theId=(b) (6), (b) (7)(C))

This email was automatically generated by the MessageCourier Messaging Center - Please do not reply. Emails to this address will not reach the sender.

Thank you.

MessageCourier Support: Enterprise Help Desk
<http://helpdesk.web.boeing.com>
425-234-0911 or toll free 1-888-469-0911

----- Forwarded message -----

From: **Matthew Kempf** <Mattk@speea.org>

Date: Thu, Jan 3, 2019 at 3:41 PM

Subject: secure message working again

To: (b) (6), (b) (7)(C) @boeing.com>, Martin Pascual <martinp@speea.org>

(b) (6), (b) (7)(C)

I've got the secure message courier working again, so please send me the most up-to-date files and I'll check them out & start Martin working on import specs.

Thanks

-Matt

Matthew A. Kempf

Sr. Director, Compensation and Retirement

Office: 206-674-7362

Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: **Matthew Kempf** <Mattk@speea.org>

Date: Wed, Jan 16, 2019 at 8:16 AM

Subject: Re: secure message working again

To: (b) (6), (b) (7)(C) @boeing.com>, Martin Pascual <martinp@speea.org>

just pinging you again on this.

-Matt

Matthew A. Kempf

Sr. Director, Compensation and Retirement

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-Matt

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Thanks

-Matt

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<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: **Matthew Kempf** <Mattk@speea.org>

Date: Fri, Feb 8, 2019 at 10:25 AM

Subject: Re: secure message working again

To: (b) (6), (b) (7)(C) @boeing.com>, Martin Pascual <martinp@speea.org>

pinging you again.. I can't imagine how much is on your plate now.
I've got the secure message courier working again.

-Matt

Matthew A. Kempf

Sr. Director, Compensation and Retirement

Office: 206-674-7362

Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

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just pinging you again on this.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
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Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

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(b) (6), (b) (7)(C)

I've got the secure message courier working again, so please send me the most up-to-date files and I'll check them out & start Martin working on import specs.

Thanks

-Matt

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<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: (b) (6), (b) (7)(C) @boeing.com>

Date: Wed, Mar 6, 2019 at 2:48 PM

Subject: RE: secure message working again

To: Matthew Kempf <Matk@speea.org>

Cc: Martin Pascual <martinp@speea.org>, (b) (6), (b) (7)(C) @boeing.com>

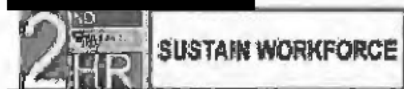
Yes, you are right on 2nd quarter. The files have been built. I am in a meeting today and will be available tomorrow to talk.

What I will begin doing...running the replacement file and sending them to you in MC with a title of which production file it is replacing. Keep in mind that it is testing information only.

Sorry for the delay..it has been bananas.

I will begin doing that tomorrow late afternoon and complete them by Friday close of business and then we can go from there.

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C) (primary phone)

(b) (6), (b) (7)(C) (cell)

(b) (6), (b) (7)(C) (fax)

From: Matthew Kempf [mailto:Mattk@speea.org]

Sent: Wednesday, March 06, 2019 4:00 PM

To: (b) (6), (b) (7)(C) @boeing.com>

Cc: Martin Pascual <martinp@speea.org> (b) (6), (b) (7)(C) @boeing.com>

Subject: Re: secure message working again

Hey (b) (6), (b) (7)(C)

I'm getting nervous about the data files.

I've heard a rumor that Boeing won't go live until Q3 2019, but still want to remind you that we need a data file so we can modify our import specs.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

On Fri, Feb 8, 2019 at 10:25 AM Matthew Kempf <Mattk@speea.org> wrote:

pinging you again.. I can't imagine how much is on your plate now.

I've got the secure message courier working again.

-Matt

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<https://www.linkedin.com/in/speea-kempf/>

On Wed, Jan 16, 2019 at 8:16 AM Matthew Kempf <Matk@speea.org> wrote:

just pinging you again on this.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

On Thu, Jan 3, 2019 at 3:41 PM Matthew Kempf <Matk@speea.org> wrote:

(b) (6), (b) (7)(C)

I've got the secure message courier working again, so please send me the most up-to-date files and I'll check them out & start Martin working on import specs.

Thanks

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: **Matthew Kempf** <Mattk@speea.org>

Date: Thu, Mar 7, 2019 at 1:28 PM

Subject: Re: During the day....

To: (b) (6), (b) (7)(C) @boeing.com>

Cc: (b) (6), (b) (7)(C) @boeing.com>

no sweat, just wanted to make sure we weren't forgotten!

-Matt

Matthew A. Kempf

Sr. Director, Compensation and Retirement

Office: 206-674-7362

Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

On Thu, Mar 7, 2019 at 1:12 PM (b) (6), (b) (7)(C) @boeing.com> wrote:



Too much going on to start sending reports. You will have something in your box when you wake up in the am. Will do them this evening..or at least start this evening.

(b) (6), (b) (7)(C)

2 HR

SUSTAIN WORKFORCE

(b) (6), (b) (7)(C) (primary phone)

(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (fax)

----- Forwarded message -----

From: **Matthew Kempf** <Matk@speea.org>

Date: Mon, Jun 17, 2019 at 3:16 PM

Subject: Re: issues with datafile

To: (b) (6), (b) (7)(C) @boeing.com>

Cc: (b) (6), (b) (7)(C) @boeing.com>, Martin Pascual <martinp@speea.org>, Rich Plunkett <RichP@speea.org>, Ray Goforth <Rayg@speea.org>

(b) (6), (b) (7)(C)

If we don't know what someone's BEMS ID is we have a serious problem. We are unable to update our systems with the feeds as they are, which means we literally do not know who we represent and who we do not represent. This is a serious issue. Is there someone else SPEEA should be working with? SPEEA needs to know who we represent and we need clean data to perform our representative function. SPEEA expects a substantive response by close of business Thursday (in three days) and we expect this to be remedied and completely resolved in the next two weeks (before July 1).

Since this is a mission critical aspect of our role, are those assumptions reasonable?

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206

On Mon, Jun 10, 2019 at 11:11 AM Matthew Kempf <Matk@speea.org> wrote:

(b) (6), (b) (7)(C)

It was a little disheartening to see that we got the file last Thursday without any prior file to test. We can work our way through it though.

Below are some of the largest issues I can see with the file (having looked at it for a couple minutes)

- 1) Multiple files 037, 038, 041, 056 can we get one file with all of them in it since "Union Code" is a field?
- 2) Potential Cartesian joins - Example (b) (6), (b) (7)(C) is in the (b) (6), (b) (7)(C) file 6 times.
- 3) Employee Status = " " (blank). Employees shouldn't have a blank status code. Example (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
- 4) BEMS ID: Trailing zeros? How can we know someone's BEMS ID. Example (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) BEMS (b) (6), (b) (7)(C)
- 5) Job Code truncated early. Example (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C)
- 6) Technical Excellence Code: likely one of the Cartesian joins. Example (b) (6), (b) (7)(C) has (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) What does (b) (6), (b) (7)(C) mean? Does (b) (6), (b) (7)(C) mean something different than blank?
- 7) Education(Field of Study CIP Code, Major, Year Degree Received)— Assume employees will fill in.
- 8) Adjusted Retention Rating – All Blank
- 9) Primary Termination Reason & Local Termination Reason = all blank
- 10) Recall Action (Assume priority recall) = all blank
- 11) "All Other Mail Codes" = blank for majority of employees = Assume employees will fill in?
- 12) ABU Name = all blank
- 13) Alt Description = all blank
- 14) Temp Assignment Code = All Blank – Should likely be temporary = yes when FLSA Status = "M" (temporary managers)
- 15) Kuala Lumpur isn't in the USA (b) (6), (b) (7)(C)
- 16) conversiondefault@boeing.com email address for (b) (6), (b) (7)(C)

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: **Matthew Kempf** <Mattk@speea.org>

Date: Wed, Jul 17, 2019 at 1:10 PM

Subject: 358 Missing

To: (b) (6), (b) (7)(C) @boeing.com>, (b) (6), (b) (7)(C) @boeing.com>, Rich Plunkett <RichP@speea.org>, Ray Goforth <Rayg@speea.org>

(b) (6), (b) (7)(C);

The attached excel file identifies 358 SPEEA represented individuals that were on the 5/31/2019 Total Access data file but were not included in the 6/7/2019 Worklife data file.

Please provide a status update for each. Only two of them (2) showed up on the "appendix B data request" that was sent to Rich a week ago on 7/10.

-Matt

Matthew A. Kempf

Sr. Director, Compensation and Retirement

Office: 206-674-7362

Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: (b) (6), (b) (7)(C) @boeing.com>

Date: Fri, Oct 4, 2019 at 12:37 PM

Subject: RE: SPEEA data

To: Matthew Kempf <Mattk@speea.org>, (b) (6), (b) (7)(C) @boeing.com>

Cc: (b) (6), (b) (7)(C) @boeing.com>, (b) (6), (b) (7)(C) @boeing.com>

(b) (6), (b) (7)(C) @boeing.com> (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) @boeing.com>, (b) (6), (b) (7)(C) @boeing.com>

Hello,

Approvals have been given to add data values. (b) (6), (b) (7)(C) is working on this report.

(b) (6), (b) (7)(C) would you be able to provided status?

Thank you

From: Matthew Kempf [mailto:Mattk@speea.org]

Sent: Thursday, October 3, 2019 7:09 PM

To: (b) (6), (b) (7)(C) @boeing.com>

Cc: (b) (6), (b) (7)(C) @boeing.com>; (b) (6), (b) (7)(C) @boeing.com>

(b) (6), (b) (7)(C) @boeing.com> (b) (6), (b) (7)(C) @boeing.com> (b) (6), (b) (7)(C) @boeing.com>

(b) (6), (b) (7)(C) @boeing.com> (b) (6), (b) (7)(C) @boeing.com>

Subject: Re: SPEEA data

Thanks again (b) (6), (b) (7)(C) Any Update? As a FYI, we'd been receiving SSNs for the past 45+ years.

We no longer need them so they have been removed from the file.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

On Tue, Sep 3, 2019 at 11:42 AM Matthew Kempf <Mattk@speea.org> wrote:

Ok, thanks for the update.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

On Tue, Sep 3, 2019 at 11:26 AM (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@boeing.com> wrote:

Hello,

I wanted to provide some status. Due to the request for veteran status and race/ethnicity I had to contact Boeing Global Privacy as these are Personally Identifiable Information (PII) and confirm these can be released. My team member is also helping to move forward on the changes pending this review

Thank you

From: Matthew Kempf -SPEEA [mailto:mattk@speea.org]

Sent: Wednesday, August 28, 2019 4:16 PM

To: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@boeing.com>

Cc: (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@boeing.com>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@boeing.com>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@boeing.com>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@boeing.com>; (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@boeing.com>

Subject: Re: SPEEA data

Yes all four labor group codes require the same changes (for that matter it used to be one report that included all of the four labor group codes).

Sent from my mobile device.

On Aug 28, 2019, at 1:47 PM, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@boeing.com> wrote:

Hello,

I've created a request to have the report (which I believe I have identified the source in Workday) to be modified with the requirements provided. I noted that the example provided before was for the value of "038". Will the changes requested need to be applied to 037, 041 and 056 also? The request id from the GSEP <https://boeing.service-now.com/sp?id=index> is SCTASK0088879 for tracking.

Thank you,

(b) (6), (b) (7)(C)

Phone: (b) (6), (b) (7)(C)

Mail-code: (b) (6), (b) (7)(C)

For Reporting & Analytics support, please utilize the [Reporting & Analytics Request Form](#) to submit a ticket

For assistance or questions regarding general HR support, please utilize the [Service Now link](#) to submit a ticket

From: Matthew Kempf [mailto:Mattk@speea.org]

Sent: Wednesday, August 21, 2019 12:38 PM

To: (b) (6), (b) (7)(C)

@boeing.com> (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

@boeing.com> (b) (6), (b) (7)(C)

@boeing.com> (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

@boeing.com>

(b) (6), (b) (7)(C)

@boeing.com>

Subject: Fwd: SPEEA data

It is a simple flat file that lets SPEEA know who we represent on a weekly basis. Each file is a snapshot in time, every Thursday at midnight.

the file is limited to the items we need in order to perform our representative function as a union. We had been receiving SSN for a long time, but SSNs are no longer needed. SMC 2 isn't needed anymore either (and it hasn't been populated for a long time). We added manager name & BEMS, Veterans status, Ethnicity and site code (something to tell which compensation SRT tier they are in).

	Currently Receive	Need for Future	Comments
Employee Name	x	x	
Social Security Number	x		SSN no longer needed
Employee Status Code	x	x	
Occupation	x	x	
Job Family	x	x	
Level	x	x	
Union Code	x	x	Include 037, 038, 041, 056
addr1	x	x	
addr2	x	x	
city	x	x	

state	x	x	
zip	x	x	
phone_home	x	x	
Check Location	x	x	
Layoff Status	x	x	
Skills Management Code (SMC)	x	x	
Secondary SMC	x		Not populated
Last Hire Date	x	x	
Adjusted Service Date	x	x	
Termination Date (if applicable)	x	x	
HR Action	x	x	or something similar
HR Action Reason Code	x	x	or something similar
HR Sub reason code	x	x	or something similar
Adjusted Retention Code	x	x	
Work Schedule	x	x	
FLSA Status	x	x	
Tech Fellowship	x	x	
Salary Adjustment Type	x	x	or something similar
Base Salary	x	x	
Salary Date	x	x	
Gender	x	x	
Education Level	x	x	or something similar
Education Code	x	x	or something similar
Education year	x	x	or something similar
Mailstop	x	x	or something similar
Building	x	x	
Building Floor	x	x	
Budget	x	x	
Work Phone	x	x	
Date of Birth	x	x	
Work Email	x	x	
Major Org	x	x	
acctg_bus_unit	x	x	or something similar
acctg_location	x	x	or something similar
acctg_dept	x	x	or something similar
Work Shift	x	x	
BEMS ID	x	x	
HR Rep	x	x	
HR Rep Phone	x	x	
acctg_bus_name	x	x	
acctg_loc_name	x	x	
acctg_dept_name	x	x	
If Temp Manager	x	x	
Manager Name		x	
Manager BEMS		x	

Veterans Status

x

Race/Ethnicity

x

Site Code

x

i.e. Work Location Code, something to dete

-Matt

Matthew A. Kempf

Sr. Director, Compensation and Retirement

Office: 206-674-7362

Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: (b) (6), (b) (7)(C) @boeing.com>

Date: Tue, Aug 20, 2019 at 2:38 PM

Subject: SPEEA data

To: Matthew Kempf -SPEEA <mattk@speea.org>, martinp@speea.org <martinp@speea.org>

Has anyone reached out? There seems to be some motion on the Boeing side but it might be wheel spinning. This was one of the last emails I saw. Note that (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) a Boeing (b) (6), (b) (7)(C) contact. It might be helpful if we had a copy of the file we regularly received so they can recreate it.

From: (b) (6), (b) (7)(C)

Sent: Monday, August 19, 2019 9:14 PM

To: (b) (6), (b) (7)(C) @boeing.com>

Cc: (b) (6), (b) (7)(C) @boeing.com>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @boeing.com> (b) (6), (b) (7)(C) @boeing.com>

Subject: RE: HR data to SPEEA

Hi (b) (6), (b) (7)(C)

The data feed has been in place long enough that we in HR aren't exactly sure how it works, other than it feeds into their UnionWare system. Can I put you in touch with the right person at SPEEA IT?

(b) (6), (b) (7)(C) | MHRIR | SPHR

(b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C) Mobile: (b) (6), (b) (7)(C)

Fax: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) boeing.com

(b) (6), (b) (7)(C)

SPEEA (b) (6), (b) (7)(C)

The Ed Wells Partnership

Desk: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

<image001.jpg>

----- Forwarded message -----

From: Rich Plunkett <RichP@speea.org>
Date: Wed, Jul 31, 2019 at 3:48 PM
Subject: Fwd: more worklife potential issues
To: Matthew Kempf <Matthk@speea.org>

" Accepted level 3 position (downgrade) in different skill code " Really? Especially given
Section 22.6 Reclassification to a Lower Level. The Company may in its discretion alter employee work assignments or reassign employees to lower-level bargaining unit work for which the Company deems they are qualified. In these cases, the employee shall retain their SJC level and ***will not be reclassified to a lower level.*** Reclassifications to lower levels may be made as a result of an employee's documented unacceptable performance.

Rich Plunkett
Director of Strategic Development
SPEEA / IFPTE Local 2001
206 674-7366 Office
206 255-5756 Mobile

----- Forwarded message -----

From: (b) (6), (b) (7)(C) @boeing.com>
Date: Wed, Jul 31, 2019 at 3:20 PM
Subject: RE: more worklife potential issues

Cc: (b) (6), (b) (7)(C) @boeing.com>

Please see the status updates on the employees whose levels changed between your feeds on 5/31 and 6/7. I have confirmed that Work History will no longer show when someone has a temporary manager assignment. That is now something that can be looked up in Workday instead under "Temporary Assignment."

Most remain temporary managers to this day, some had their temporary management assignments end, and [REDACTED] were promoted to permanent K level managers.

BEMS		Status at Workday Conversion	
name	email	Job	WD_Job Level WD_Level
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	

SPEEA 000036

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | MHRIR | SPHR

(b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C) Mobile (b) (6), (b) (7)(C)

Fax: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @boeing.com

From: (b) (6), (b) (7)(C)

Sent: Friday, July 19, 2019 3:29 PM

To: Matthew Kempf <Mattk@speea.org>; (b) (6), (b) (7)(C) @boeing.com; Rich Plunkett

<RichP@speea.org>

Subject: RE: more worklife potential issues

Hi Matt –

I suspect, as you do, that Workday may process temporary managers differently. Or it could be that they were holding off on pulling the temp manager tag until we converted. Either way, I submitted these names for review through HR Ops. Will let me know what I find out.

(b) (6), (b) (7)(C) | MHRIR | SPHR

(b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C) Mobile: (b) (6), (b) (7)(C)

Fax: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @boeing.com

From: Matthew Kempf [mailto:Mattk@speea.org]

Sent: Thursday, July 18, 2019 1:22 PM

To: (b) (6), (b) (7)(C) @boeing.com (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @boeing.com; Rich Plunkett <RichP@speea.org>

Subject: more worklife potential issues

The following 57 employees appear to have changed levels from the 5/31 (Total Access) and the 6/7 (Workday).

Many of them were temporary managers. Is there something strange with the new system about Temp Managers or are these also a reflection of changes that were pending, and HR had to wait for the WD implementation?

REMS	name	email	Job	WD Job	Level
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: **Matthew Kempf** <Mattk@speea.org>

Date: Thu, Jul 18, 2019 at 1:22 PM

Subject: more worklife potential issues

To: (b) (6), (b) (7)(C) @boeing.com>, (b) (6), (b) (7)(C) @boeing.com>, Rich Plunkett <RichP@speea.org>

The following 57 employees appear to have changed levels from the 5/31 (Total Access) and the 6/7 (Workday). Many of them were temporary managers. Is there something strange with the new system about Temp Managers or are these also a reflection of changes that were pending, and HR had to wait for the WD implementation?

BEMS	name	email	Job	WD Job	Level
(b) (6), (b) (7)(C)			(b) (6), (b) (7)(C)		

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: **Matthew Kempf** <Mattk@speea.org>

Date: Thu, Jul 18, 2019 at 10:01 AM

Subject: Workday issues - Changed Jobcodes

To: (b) (6), (b) (7)(C) @boeing.com> (b) (6), (b) (7)(C) @boeing.com>, Rich Plunkett <RichP@speea.org>

The following 73 individuals job codes changed from the 5/31 data transmission (total access) to 6/7 (Workday).

BEMS	name	email	5/31 Job	6/7 WD_Job
(b) (6), (b) (7)(C)				

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

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----- Forwarded message -----

From: (b) (6), (b) (7)(C) @boeing.com>
Date: Mon, Sep 10, 2018 at 8:29 AM
Subject: RE: PAY1024z-Are you receiving? How are you receiving it?
To: Matthew Kempf <mattk@speea.org>

Is it coming through Message Courier? Can you send me a copy

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (primary phone)

(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (fax)

From: Matthew Kempf [mailto:mattk@speea.org]
Sent: Monday, September 10, 2018 10:25 AM
To: (b) (6), (b) (7)(C) @boeing.com>
Subject: Re: PAY1024z-Are you receiving? How are you receiving it?

I have confirmed that yes, we receive it and still need it.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement

Office: 206-674-7362
Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kemp/>

On Fri, Sep 7, 2018 at 9:09 AM, (b) (6), (b) (7)(C) @boeing.com> wrote:

Are you still receiving PAY1024z report? If so, is it coming through Message Courier?

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (primary phone)

(b) (6), (b) (7)(C) (cell)
(b) (6), (b) (7)(C) (fax)

--

Martin Pascual

Director of Information Technology

206-898-0047 (Cell)

206-674-7356 (Direct Line)

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:08 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Message Expiration Warning
Attachments: Boeing_logo3.png; Boeing_logo3.png

From: Matthew Kempf <Mattk@speea.org>
Sent: Wednesday, January 8, 2020 11:01 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: Message Expiration Warning

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: Matthew Kempf <Mattk@speea.org>
Date: Tue, Nov 20, 2018 at 8:01 AM
Subject: Re: Message Expiration Warning
To: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>

I should be set up with a secure token soon.
when it's set up, you may need to resend this.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

On Tue, Nov 20, 2018 at 3:00 AM Boeing MessageCourier <messagecourier@boeing.com> wrote:

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:07 AM
To: (b) (6), (b) (7)(C)
Subject: FW: secure message working again

From: Matthew Kempf <Mattk@speea.org>
Sent: Wednesday, January 8, 2020 11:01 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: secure message working again

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: **Matthew Kempf** <Mattk@speea.org>
Date: Thu, Jan 3, 2019 at 3:41 PM
Subject: secure message working again
To: (b) (6), (b) (7)(C) <@boeing.com>, Martin Pascual <martinp@speea.org>

(b) (6), (b) (7)(C)

I've got the secure message courier working again, so please send me the most up-to-date files and I'll check them out & start Martin working on import specs.

Thanks

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:07 AM
To: (b) (6), (b) (7)(C)
Subject: FW: secure message working again

From: Matthew Kempf <Matk@speea.org>
Sent: Wednesday, January 8, 2020 11:01 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: secure message working again

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
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<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: Matthew Kempf <Matk@speea.org>
Date: Wed, Jan 16, 2019 at 8:16 AM
Subject: Re: secure message working again
To: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>, Martin Pascual <martinp@speea.org>

just pinging you again on this.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

On Thu, Jan 3, 2019 at 3:41 PM Matthew Kempf <Matk@speea.org> wrote:

(b) (6), (b) (7)(C)

I've got the secure message courier working again, so please send me the most up-to-date files and I'll check them out & start Martin working on import specs.

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:08 AM
To: (b) (6), (b) (7)(C)
Subject: FW: secure message working again

From: Matthew Kempf <Mattk@speea.org>
Sent: Wednesday, January 8, 2020 11:01 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: secure message working again

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: Matthew Kempf <Mattk@speea.org>
Date: Wed, Jan 16, 2019 at 8:16 AM
Subject: Re: secure message working again
To: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>, Martin Pascual <martinp@speea.org>

just pinging you again on this.

-Matt

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Confidential Fax: 206-374-2206
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On Thu, Jan 3, 2019 at 3:41 PM Matthew Kempf <Mattk@speea.org> wrote:

(b) (6), (b) (7)(C)

I've got the secure message courier working again, so please send me the most up-to-date files and I'll check them out & start Martin working on import specs.

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:07 AM
To: (b) (6), (b) (7)(C)
Subject: FW: secure message working again

Matt Kempf is sending me a bunch of messages, most of which make no sense to me, because that is what Matt does, but I'm going to forward them to you to print – please put them in chron order as best you can.

More coming

ellen

From: Matthew Kempf <Matk@speea.org>
Sent: Wednesday, January 8, 2020 11:04 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: secure message working again

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: Matthew Kempf <Matk@speea.org>
Date: Fri, Feb 8, 2019 at 10:25 AM
Subject: Re: secure message working again
To: (b) (6), (b) (7)(C) <@boeing.com>, Martin Pascual <martinp@speea.org>

pinging you again.. I can't imagine how much is on your plate now.
I've got the secure message courier working again.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

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just pinging you again on this.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

On Thu, Jan 3, 2019 at 3:41 PM Matthew Kempf <Mattk@speea.org> wrote:

(b) (6), (b) (7)(C)

I've got the secure message courier working again, so please send me the most up-to-date files and I'll check them out & start Martin working on import specs.

Thanks

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:07 AM
To: (b) (6), (b) (7)(C)
Subject: FW: secure message working again

From: Matthew Kempf <Matk@speea.org>
Sent: Wednesday, January 8, 2020 11:04 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: secure message working again

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: (b) (6), (b) (7)(C) @boeing.com>
Date: Wed, Mar 6, 2019 at 2:48 PM
Subject: RE: secure message working again
To: Matthew Kempf <Matk@speea.org>
Cc: Martin Pascual <martinp@speea.org>, (b) (6), (b) (7)(C) @boeing.com>

Yes, you are right on 2nd quarter. The files have been built. I am in a meeting today and will be available tomorrow to talk.

What I will begin doing...running the replacement file and sending them to you in MC with a title of which production file it is replacing. Keep in mind that it is testing information only.

Sorry for the delay..it has been bananas.

I will begin doing that tomorrow late afternoon and complete them by Friday close of business and then we can go from there.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:08 AM
To: (b) (6), (b) (7)(C)
Subject: FW: During the day....

From: Matthew Kempf <Mattk@speea.org>
Sent: Wednesday, January 8, 2020 11:01 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: During the day....

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: Matthew Kempf <Mattk@speea.org>
Date: Thu, Mar 7, 2019 at 1:28 PM
Subject: Re: During the day....
To: (b) (6), (b) (7)(C) @boeing.com>
Cc: (b) (6), (b) (7)(C) @boeing.com>

no sweat, just wanted to make sure we weren't forgotten!

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

On Thu, Mar 7, 2019 at 1:12 PM (b) (6), (b) (7)(C) @boeing.com> wrote:

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:14 AM
To: (b) (6), (b) (7)(C)
Subject: FW: issues with datafile

From: Matthew Kempf <Mattk@speea.org>
Sent: Wednesday, January 8, 2020 11:13 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: issues with datafile

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: Matthew Kempf <Mattk@speea.org>
Date: Mon, Jun 10, 2019 at 11:11 AM
Subject: issues with datafile
To: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>, Martin Pascual <martinp@speea.org>

(b) (6), (b) (7)(C)

It was a little disheartening to see that we got the file last Thursday without any prior file to test. We can work our way through it though.

Below are some of the largest issues I can see with the file (having looked at it for a couple minutes)

- 1) Multiple files 037, 038, 041, 056 can we get one file with all of them in it since "Union Code" is a field?
- 2) Potential Cartesian joins - Example (b) (6), (b) (7)(C) is in the (b) (6), (b) (7)(C)
- 3) Employee Status = " " (blank). Employees shouldn't have a blank status code. Example (b) (6), (b) (7)(C)
- 4) BEMS ID: Trailing zeros? How can we know someone's BEMS ID. Example (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) BEMS
- 5) Job Code truncated early. Example (b) (6), (b) (7)(C)
- 6) Technical Excellence Code: likely one of the Cartesian joins. Example (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C) What does (b) (6), (b) (7)(C) mean? Does (b) (6), (b) (7)(C) mean something different than blank?

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:16 AM
To: (b) (6), (b) (7)(C)
Subject: FW: issues with datafile

From: Matthew Kempf <Matk@speea.org>
Sent: Wednesday, January 8, 2020 11:13 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: issues with datafile

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: Matthew Kempf <Matk@speea.org>
Date: Mon, Jun 17, 2019 at 3:16 PM
Subject: Re: issues with datafile
To: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>
Cc: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>, Martin Pascual <martinp@speea.org>, Rich Plunkett <RichP@speea.org>, Ray Goforth <Rayg@speea.org>

(b) (6), (b) (7)(C)

If we don't know what someone's BEMS ID is we have a serious problem. We are unable to update our systems with the feeds as they are, which means we literally do not know who we represent and who we do not represent. This is a serious issue. Is there someone else SPEEA should be working with? SPEEA needs to know who we represent and we need clean data to perform our representative function. SPEEA expects a substantive response by close of business Thursday (in three days) and we expect this to be remedied and completely resolved in the next two weeks (before July 1).

Since this is a mission critical aspect of our role, are those assumptions reasonable?

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:16 AM
To: (b) (6), (b) (7)(C)
Subject: FW: issues with datafile

From: Matthew Kempf <Mattk@speea.org>
Sent: Wednesday, January 8, 2020 11:13 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: issues with datafile

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>
Date: Mon, Jun 24, 2019 at 11:12 AM
Subject: RE: issues with datafile
To: Matthew Kempf <Mattk@speea.org>, Martin Pascual <martinp@speea.org>
Cc: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>

I have been two seconds from jumping off the building....I just returned from a break that I needed so I didn't jump. I have one thing to test and then I will look at this next.

I told (b) (6), (b) (7)(C) that you loved me so you would forgive me so don't make me a liar :-}

Stay tuned.

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:17 AM
To: (b) (6), (b) (7)(C)
Subject: FW: 358 Missing
Attachments: 358 Missing.xlsx

From: Matthew Kempf <Matk@speea.org>
Sent: Wednesday, January 8, 2020 11:14 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: 358 Missing

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: Matthew Kempf <Matk@speea.org>
Date: Wed, Jul 17, 2019 at 1:10 PM
Subject: 358 Missing
To: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>, (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>, Rich Plunkett <RichP@speea.org>, Ray Goforth <Rayg@speea.org>

(b) (6), (b) (7)(C)

The attached excel file identifies 358 SPEEA represented individuals that were on the 5/31/2019 Total Access data file but were not included in the 6/7/2019 Worklife data file.
Please provide a status update for each. Only two of them (2) showed up on the "appendix B data request" that was sent to Rich a week ago on 7/10.

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:30 AM
To: (b) (6), (b) (7)(C)
Subject: FW: SPEEA data

From: Matthew Kempf <Mattk@speea.org>
Sent: Wednesday, January 8, 2020 11:16 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: SPEEA data

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: (b) (6), (b) (7)(C) @boeing.com>

Date: Fri, Oct 4, 2019 at 12:37 PM

Subject: RE: SPEEA data

To: Matthew Kempf <Mattk@speea.org> (b) (6), (b) (7)(C) @boeing.com>

Cc: (b) (6), (b) (7)(C) @boeing.com> (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @boeing.com>, (b) (6), (b) (7)(C) @boeing.com>, (b) (6), (b) (7)(C) @boeing.com>

Hello,

Approvals have been given to add data values. (b) (6), (b) (7)(C) is working on this report.

(b) (6), (b) (7)(C) would you be able to provided status?

Thank you

Veterans Status

x

Race/Ethnicity

x

Site Code

x

i.e. Work Location Code, something to dete

-Matt

Matthew A. Kempf

Sr. Director, Compensation and Retirement

Office: 206-674-7362

Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: (b) (6), (b) (7)(C) @boeing.com>

Date: Tue, Aug 20, 2019 at 2:38 PM

Subject: SPEEA data

To: Matthew Kempf -SPEEA <mattk@speea.org>, martinp@speea.org <martinp@speea.org>

Has anyone reached out? There seems to be some motion on the Boeing side but it might be wheel spinning. This was one of the last emails I saw. Note that (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C), a Boeing (b) (6), (b) (7)(C) contact. It might be helpful if we had a copy of the file we regularly received so they can recreate it.

From: (b) (6), (b) (7)(C)

Sent: Monday, August 19, 2019 9:14 PM

To: (b) (6), (b) (7)(C) @boeing.com>

Cc: (b) (6), (b) (7)(C) @boeing.com>; (b) (6), (b) (7)(C) K

(b) (6), (b) (7)(C) @boeing.com>; (b) (6), (b) (7)(C) @boeing.com>

Subject: RE: HR data to SPEEA

Hi (b) (6), (b) (7)(C) —

The data feed has been in place long enough that we in HR aren't exactly sure how it works, other than it feeds into their UnionWare system. Can I put you in touch with the right person at SPEEA IT?

(b) (6), (b) (7)(C) | MHRIR | SPHR

(b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C) Mobile: (b) (6), (b) (7)(C)

Fax: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) boeing.com

(b) (6), (b) (7)(C)

SPEEA (b) (6), (b) (7)(C)

The Ed Wells Partnership

Desk: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

<image001.jpg>

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:28 AM
To: (b) (6), (b) (7)(C)
Subject: FW: more worklife potential issues

From: Matthew Kempf <Matk@speea.org>
Sent: Wednesday, January 8, 2020 11:25 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: more worklife potential issues

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: Rich Plunkett <RichP@speea.org>
Date: Wed, Jul 31, 2019 at 3:48 PM
Subject: Fwd: more worklife potential issues
To: Matthew Kempf <Matk@speea.org>

" Accepted level 3 position (downgrade) in different skill code " Really? Especially given
Section 22.6 Reclassification to a Lower Level. The Company may in its discretion alter employee work assignments or reassign employees to lower-level bargaining unit work for which the Company deems they are qualified. In these cases, the employee shall retain their SJC level and ***will not be reclassified to a lower level.*** Reclassifications to lower levels may be made as a result of an employee's documented unacceptable performance.

Rich Plunkett
Director of Strategic Development
SPEEA / IFPTE Local 2001
206 674-7366 Office
206 255-5756 Mobile

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>
Date: Wed, Jul 31, 2019 at 3:20 PM
Subject: RE: more worklife potential issues

<RichP@speea.org>

Subject: RE: more worklife potential issues

Hi Matt –

I suspect, as you do, that Workday may process temporary managers differently. Or it could be that they were holding off on pulling the temp manager tag until we converted. Either way, I submitted these names for review through HR Ops. Will let me know what I find out.

(b) (6), (b) (7)(C) MHRIR | SPHR

(b) (6), (b) (7)(C)

Office: (b) (6), (b) (7)(C) Mobile: (b) (6), (b) (7)(C)

Fax: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @boeing.com

From: Matthew Kempf [mailto:Mattk@speea.org]

Sent: Thursday, July 18, 2019 1:22 PM

To: (b) (6), (b) (7)(C) @boeing.com; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @boeing.com; Rich Plunkett <RichP@speea.org>

Subject: more worklife potential issues

The following 57 employees appear to have changed levels from the 5/31 (Total Access) and the 6/7 (Workday).

Many of them were temporary managers. Is there something strange with the new system about Temp Managers or are these also a reflection of changes that were pending, and HR had to wait for the WD implementation?

REMS	name	email	Job	WD Job	Level
(b) (6), (b) (7)(C)					

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:29 AM
To: (b) (6), (b) (7)(C)
Subject: FW: more worklife potential issues

From: Matthew Kempf <Mattk@speea.org>
Sent: Wednesday, January 8, 2020 11:24 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: more worklife potential issues

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: Matthew Kempf <Mattk@speea.org>

Date: Thu, Jul 18, 2019 at 1:22 PM

Subject: more worklife potential issues

To: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>, (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>, Rich Plunkett <RichP@speea.org>

The following 57 employees appear to have changed levels from the 5/31 (Total Access) and the 6/7 (Workday). Many of them were temporary managers. Is there something strange with the new system about Temp Managers or are these also a reflection of changes that were pending, and HR had to wait for the WD implementation?

BEMS	name	email	Job	WD Job	Level
(b) (6), (b) (7)(C)					

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:29 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Workday issues - Changed Jobcodes

From: Matthew Kempf <Mattk@speea.org>
Sent: Wednesday, January 8, 2020 11:25 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: Workday issues - Changed Jobcodes

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speca-kempf/>

----- Forwarded message -----

From: **Matthew Kempf** <MattK@speea.org>
Date: Thu, Jul 18, 2019 at 10:01 AM
Subject: Workday issues - Changed Jobcodes
To: (b) (6), (b) (7)(C) @boeing.com> (b) (6), (b) (7)(C) @boeing.com>, Rich Plunkett <RichP@speea.org>

The following 73 individuals job codes changed from the 5/31 data transmission (total access) to 6/7 (Workday).

BEMS	name	email	5/31 Job	6/7 WD_Job
(b) (6), (b) (7)(C)				

(b) (6), (b) (7)(C)

From: Ellen Kelman
Sent: Wednesday, January 8, 2020 11:31 AM
To: (b) (6), (b) (7)(C)
Subject: FW: SPEEA data

From: Matthew Kempf <Mattk@speea.org>
Sent: Wednesday, January 8, 2020 11:15 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: Fwd: SPEEA data

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: Matthew Kempf <Mattk@speea.org>
Date: Wed, Aug 21, 2019 at 10:38 AM
Subject: Fwd: SPEEA data

To: (b) (6), (b) (7)(C)@boeing.com, (b) (6), (b) (7)(C)@boeing.com, (b) (6), (b) (7)(C)@boeing.com
(b) (6), (b) (7)(C)@boeing.com, (b) (6), (b) (7)(C)@boeing.com, (b) (6), (b) (7)(C)@boeing.com

It is a simple flat file that lets SPEEA know who we represent on a weekly basis. Each file is a snapshot in time, every Thursday at midnight.
the file is limited to the items we need in order to perform our representative function as a union. We had been receiving SSN for a long time, but SSNs are no longer needed. SMC 2 isn't needed anymore either (and it hasn't been populated for a long time). We added manager name & BEMS, Veterans status, Ethnicity and site code (something to tell which compensation SRT tier they are in).

	Currently Receive	Need for Future	Comments
Employee Name	x	x	
Social Security Number	x		SSN no longer needed
Employee Status Code	x	x	
Occupation	x	x	
Job Family	x	x	
Level	x	x	
Union Code	x	x	Include 037, 038, 041, 056

addr1	x	x	
addr2	x	x	
city	x	x	
state	x	x	
zip	x	x	
phone_home	x	x	
Check Location	x	x	
Layoff Status	x	x	
Skills Management Code (SMC)	x	x	
Secondary SMC	x		Not populated
Last Hire Date	x	x	
Adjusted Service Date	x	x	
Termination Date (if applicable)	x	x	
HR Action	x	x	or something similar
HR Action Reason Code	x	x	or something similar
HR Sub Reason Code	x	x	or something similar
Adjusted Retention Code	x	x	
Work Schedule	x	x	
FLSA Status	x	x	
Tech Fellowship	x	x	
Salary Adjustment Type	x	x	or something similar
Base Salary	x	x	
Salary Date	x	x	
Gender	x	x	
Education Level	x	x	or something similar
Education Code	x	x	or something similar
Education year	x	x	or something similar
Mailstop	x	x	or something similar
Building	x	x	
Building Floor	x	x	
Budget	x	x	
Work Phone	x	x	
Date of Birth	x	x	
Work Email	x	x	
Major Org	x	x	
acctg_bus_unit	x	x	or something similar
acctg_location	x	x	or something similar
acctg_dept	x	x	or something similar
Work Shift	x	x	
BEMS ID	x	x	
HR Rep	x	x	
HR Rep Phone	x	x	
acctg_bus_name	x	x	
acctg_loc_name	x	x	
acctg_dept_name	x	x	

If Temp Manager
Manager Name
Manager BEMS
Veterans Status
Race/Ethnicity
Site Code

x	x
	x
	x
	x
	x
	x

i.e. Work Location Code, something to determine SRT

-Matt

Matthew A. Kempf
Sr. Director, Compensation and Retirement
Office: 206-674-7362
Confidential Fax: 206-374-2206
<https://www.linkedin.com/in/speea-kempf/>

----- Forwarded message -----

From: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>
Date: Tue, Aug 20, 2019 at 2:38 PM
Subject: SPEEA data
To: Matthew Kempf -SPEEA <mattk@speea.org>, martinp@speea.org <martinp@speea.org>

Has anyone reached out? There seems to be some motion on the Boeing side but it might be wheel spinning. This was one of the last emails I saw. Note that (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C), a Boeing (b) (6), (b) (7)(C) contact. It might be helpful if we had a copy of the file we regularly received so they can recreate it.

From: (b) (6), (b) (7)(C) <[REDACTED]>
Sent: Monday, August 19, 2019 9:14 PM
To: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>
Cc: (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>; (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>; (b) (6), (b) (7)(C) <[REDACTED]@boeing.com>
Subject: RE: HR data to SPEEA

Hi (b) (6), (b) (7)(C) -

The data feed has been in place long enough that we in HR aren't exactly sure how it works, other than it feeds into their UnionWare system. Can I put you in touch with the right person at SPEEA IT?

(b) (6), (b) (7)(C) MHRIR | SPHR
(b) (6), (b) (7)(C)
Office: (b) (6), (b) (7)(C) Mobile: (b) (6), (b) (7)(C)
Fax: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) <[\[REDACTED\]@boeing.com](mailto:[REDACTED]@boeing.com)>

(b) (6), (b) (7)(C)

The Ed Wells Partnership

Desk: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)



----- Forwarded message -----

From: **Rich Plunkett** <RichP@speea.org>

Date: Thu, Jun 13, 2019 at 9:33 AM

Subject: Pilots

To: (b) (6), (b) (7)(C) @boeing.com>

(b) (6), (b) (7)(C)

We discussed the potential issues for the SPIU negotiations last week. Pay parity with the production pilots, re-establishing the connection with the engineers for benefits, and employment security were among those items we covered.

To remind you of last year's out-of-sequence exercise; non-union pilots received a 27% bump in pay as did their managers. Our Technical and Safety Pilots received a 15% bump in pay while their managers saw a 20% increase. Our Flight Instructor Pilots saw a 3.0% addition to their regularly scheduled increase this last March but no other adjustment while their line managers enjoyed the 27% out-of-sequence adjustment. We understand that the non-union pilots and the aforementioned managers enjoyed the fruits of the regular March exercise as well. Hence, equity would look like a general wage increase of 12% for the Technical and Safety Pilots and a 24% increase for our Instructor Pilots.

As for benefits we are talking about the same plans including employee contributions, co-pays, deductibles, etc. as the engineers. You may recall earlier versions of the pilots agreement where Boeing had agreed to language that stated "The Company will provide Instructor Pilots the same Group Benefits (medical, dental, life, disability, accidental death and dismemberment) and layoff benefits that were negotiated with SPEEA..."

Given the recent 'All Hands On Deck' messaging that went out to the pilots this past week, I would think employment security would fit nicely within this messaging. What better way to demonstrate to the pilots who interface with Boeing customers that they are indeed integral to successfully reintegrating the Max, and even 777X entry into service, than to grant those same pilots a meaningful employment security provision...

Please let me know as soon as possible if you think a truncated process may be possible as we are now only 9 months out from Contract expiration.

Rich Plunkett
Director of Strategic Development
SPEEA / IFPTE Local 2001
206 674-7366 Office
206 255-5756 Mobile

..

From: Cherem, Rachel
Sent: Monday, January 13, 2020 5:10 PM
To: Ellen Kelman
Subject: The Boeing Co. (19-CA-254438)

Ellen,

Per my earlier voicemail, I am writing to discuss the above ULP further. Can you give me a call to discuss the items below when you get the chance? I'll be available until about 4 p.m. Seattle time today, and most of the day tomorrow.

Specifically, it appears from the charge that many of the cumulative employer actions set forth body of the charge are time barred by 10(b), in that they occurred well before the filing of the instant charge. Can you please let me know the approximate timeframe for each of the actions discussed in the charge? Also, can we chat in more detail about some of the specific allegations (especially the last one about benefits)?

Also, it looks like there are several information requests at issue, but I did not see the underlying requests (possible I missed them though, as there are lots of documents). Can you send those along separately?

Third, can you give me a heads up of who I might be talking to on which days once you know? That way I can start prepping for the correct affidavits.

Plus, I note from the offer of proof that the Union is seeking a *St. Gobain* hearing. Obviously, this will be something that is part of the investigation. Do you plan on presenting any employee witnesses to testify regarding a causal nexus?

Finally, I wanted to give you a heads up that I will likely be requesting a position statement from the Union on both the *St. Gobain* question and other matters once I have a better idea of what's going on.

Thanks,
Rachel

Rachel Cherem
Field Attorney
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue, Seattle, WA 98174
Office: (206) 220-6298
Cell: (202) 262-7155
Fax: (206) 220-6305

Please note the NLRB will begin to require electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website. Below is information to assist you in this requirement:

1. Written instructions for using the Agency's E-Filing system and the Agency's Electronic Filing Terms and Conditions policy have been posted on the Agency's website. See <http://apps.nlr.gov/myAccount/assets/E-Filing-System-User-Guide.pdf>.
2. The Agency's website also contains a video demonstration which provides step-by-step instructions. See https://apps.nlr.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html.
3. For Frequently Asked Questions, please see <https://apps.nlr.gov/myAccount/#/FileCaseDocuments/FAQ>
4. If you require additional assistance with E-Filing, please contact E-Filing@NLRB.gov.

To provide feedback on your E-Filing experience, see: <https://www.nlr.gov/how-we-work/fillable-forms/site-feedback>

From: Ellen Kelman <ekelman@laborlawdenver.com>
Sent: Tuesday, January 14, 2020 1:07 PM
To: Cherem, Rachel
Cc: Ray Goforth; Rich Plunkett; Matthew Kempf; Jason Collette; Naomi Perera; Matt Fritz-Mauer
Subject: RE: The Boeing Co. (19-CA-254438)
Attachments: 110.pdf; 108-109.pdf; 104-107 December 19 information request.pdf

Rachel:

Sorry I didn't get back to you yesterday, and I can't give you full answers quite yet – There is a lot going on between Boeing and SPEEA right now, and the speed at which we have had to react to the petition has made it difficult to organize things quite as I would like. However, here's what I can say at this point (and I'll get back to you later today, I hope, with more answers). I agree that we need to talk, but I think it is also useful for me to lay out our position, broadly, in writing, which gives you more opportunity to review it:

The legal framework for a 10(b) analysis of a Type II blocking charge such as SPEEA filed here (i.e., a charge that the employer's illegal actions have led to the loss of majority status, Outline of Law and Procedure in Representation Cases, p. 124) is a little different than the analysis for a basic ULP – While only some of the actions that we allege occurred within the past six months, all of them have contributed to the apparent loss of majority status represented by the decertification petition and of which we had first notice in early December 2019, when we became aware of rumors that a petition was being circulated (with probable supervisory support and involvement):

... , we have considered the Respondent's conduct outside the six-month 10(b) period only for the purpose of determining whether that conduct tainted the decertification petition. We order no remedy for the pre-10(b) conduct; our order remedies only the Respondent's unlawful withdrawal of recognition and subsequent refusal to bargain, conduct that occurred well within the 10(b) period. Accordingly, we affirm the judge's denial of the Respondent's motion to strike the Settlement ULPs.

Denton County Electric Cooperative, Inc., 366 NLRB 303 (2018)(I'll note that this was decided by a 3-judge panel of the Board which included Chairman Ring, with no dissent.)

Thus, while the discriminatory raises for non-union pilots occurred in 2018, when the company balked at addressing this immediately, the union had a good faith belief that this was a matter that would and could be addressed in contract negotiations in 2020, (see the June 13, 2019 email I forwarded to you yesterday, SPEEA Bates 102-103). When rumors began to circulate in early December 2019 of the decert petition, the union raised the issue again of correcting the inequity BEFORE the new contract, in the context of discussions with the company about other matters. It was only at that point, when the company categorically rejected the idea of addressing this problem before the contract negotiations in terms that gave the union to understand that the company was aware and supportive of the decertification movement, that the union had "actual and unequivocal notice" (*N.L.R.B. v. Walker Const. Co.*, 928 F.2d 695 (5th Cir. 1991)) that the Employer's actions were part of an scheme to undermine the union (*Cf. In Re Natico, Inc.* 302 NLRB 668 (1991), looking to when the union's mistaken understanding about the employer's actions were transformed into reasonable notice of an unfair labor practice).

This part of the charge, then, is timely based on when the union could reasonably be charged with actual knowledge of the company's scheme to cost it majority support. At the same time, we acknowledge that the remedy may not include back pay to eliminate the 2018 salary inequities. The same reasoning would apply to some of the other elements of the charge, specifically the movement of the flight simulators out of the bargaining unit's jurisdiction and the promotional rewards to (b) (6), (b) (7)(C). (Indeed, (b) (6), (b) (7)(C), so it is difficult even to formulate a possible remedy for (b) (6), (b) (7)(C) unlawful promotion.)

Other parts of the charge are clearly within the 10(b) period. The issues surrounding the transition from Total Access to the Workday (or Worklife) system only became fully apparent in the fall of 2019, as Boeing stretched out the time to update its files and provide "clean" data to a union which Boeing understood would not even be able to utilize the data for some time after it was provided. The information request to which reference is made in the charge is attached, along with the company's responsive refusal: Again, because of the short time periods within which events are happening, the union's December 19 request (SPEEA Bates 104-107) asked for a reply by January 8 and, none having been received, we could only allege in the January 9 charge that the information had NOT been provided, because it had not YET been refused. It has, now. SPEEA Bates 108-109.

Also on December 20, the union made an information request for basic economic information in anticipation of the 2020 contract negotiations. (SPEEA Bates stamp 110, attached). The union having heard nothing, on January 13 2020 Jason Collette spoke with (b) (6), (b) (7)(C), one of his contacts in Boeing Labor Relations about the hold up and was given what amounted to a run-around (b) (6), (b) (7)(C) (in turn said (b) (6), (b) (7)(C) had spoken to (b) (6), (b) (7)(C) (or, at least, I believe that is (b) (6), (b) (7)(C) last name) who said that (b) (6), (b) (7)(C) can't access the information, but (b) (6), (b) (7)(C) is "reaching out to someone in St. Louis" who might, but (b) (6), (b) (7)(C) could offer no timeline. (The contract expires on March 6, so time is of the essence in the exchange of basic bargaining information.)

In terms of witnesses, the union is still talking to unit members to see if any are willing to testify, and we aren't sure, yet, who can be available for affidavits this Friday – yesterday's storm slowed us down.

ellen

Ellen M. Kelman
The Kelman Buescher Firm
600 GRANT ST., SUITE 825
DENVER, CO 80203
phone: (303) 333-7751
fax: (303) 333-7758
email: ekelman@laborlawdenver.com

THE KELMAN BUESCHER FIRM

PROTECTING ROCKY MOUNTAIN WORKERS
& THEIR UNIONS SINCE 1967

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"Mourn for the dead; fight like hell for the living."

Mother (Mary) Jones

From: Cherem, Rachel <Rachel.Cherem@nrlb.gov>
Sent: Tuesday, January 14, 2020 10:06 AM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: RE: The Boeing Co. (19-CA-254438)

Ellen,

Sounds good. I'm also available to chat on the phone today if that's easier – which it might be, at least to go over the allegations.

Thanks,
Rachel

Rachel Cherem

Field Attorney
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue, Seattle, WA 98174
Office: (206) 220-6298
Cell: (202) 262-7155
Fax: (206) 220-6305

Please note the NLRB will begin to require electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website. Below is information to assist you in this requirement:

1. Written instructions for using the Agency's E-Filing system and the Agency's Electronic Filing Terms and Conditions policy have been posted on the Agency's website. See <http://apps.nrlb.gov/myAccount/assets/E-Filing-System-User-Guide.pdf>.
2. The Agency's website also contains a video demonstration which provides step-by-step instructions. See https://apps.nrlb.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html.
3. For Frequently Asked Questions, please see <https://apps.nrlb.gov/myAccount/#/FileCaseDocuments/FAQ>.
4. If you require additional assistance with E-Filing, please contact E-Filing@NLRB.gov.

To provide feedback on your E-Filing experience, see: <https://www.nrlb.gov/how-we-work/fillable-forms/site-feedback>

From: Ellen Kelman <ekelman@laborlawdenver.com>
Sent: Tuesday, January 14, 2020 9:03 AM
To: Cherem, Rachel <Rachel.Cherem@nrlb.gov>
Subject: RE: The Boeing Co. (19-CA-254438)

Rachel – I'm putting together a response, as best and as fast as I can. I should get at least some answer to you within the hour.

ellen

Ellen M. Kelman

The Kelman Buescher Firm
600 GRANT ST., SUITE 825
DENVER, CO 80203
phone: (303) 333-7751
fax: (303) 333-7758
email: ekelman@laborlawdenver.com

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& THEIR UNIONS SINCE 1967

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"Mourn for the dead; fight like hell for the living."

Mother (Mary) Jones

From: Cherem, Rachel <Rachel.Cherem@nrlb.gov>
Sent: Monday, January 13, 2020 3:10 PM
To: Ellen Kelman <ekelman@laborlawdenver.com>
Subject: The Boeing Co. (19-CA-254438)

Ellen,

Per my earlier voicemail, I am writing to discuss the above ULP further. Can you give me a call to discuss the items below when you get the chance? I'll be available until about 4 p.m. Seattle time today, and most of the day tomorrow.

Specifically, it appears from the charge that many of the cumulative employer actions set forth body of the charge are time barred by 10(b), in that they occurred well before the filing of the instant charge. Can you please let me know the approximate timeframe for each of the actions discussed in the charge? Also, can we chat in more detail about some of the specific allegations (especially the last one about benefits)?

Also, it looks like there are several information requests at issue, but I did not see the underlying requests (possible I missed them though, as there are lots of documents). Can you send those along separately?

Third, can you give me a heads up of who I might be talking to on which days once you know? That way I can start prepping for the correct affidavits.

Plus, I note from the offer of proof that the Union is seeking a *St. Gobain* hearing. Obviously, this will be something that is part of the investigation. Do you plan on presenting any employee witnesses to testify regarding a causal nexus?

Finally, I wanted to give you a heads up that I will likely be requesting a position statement from the Union on both the *St. Gobain* question and other matters once I have a better idea of what's going on.

Thanks,

Rachel

Rachel Cherem

Field Attorney
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue, Seattle, WA 98174
Office: (206) 220-6298
Cell: (202) 262-7155
Fax: (206) 220-6305

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6. The Agency's website also contains a video demonstration which provides step-by-step instructions. See https://apps.nlr.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html.
7. For Frequently Asked Questions, please see <https://apps.nlr.gov/myAccount/#/FileCaseDocuments/FAQ>
8. If you require additional assistance with E-Filing, please contact E-Filing@NLRB.gov.

To provide feedback on your E-Filing experience, see: <https://www.nlr.gov/how-we-work/fillable-forms/site-feedback>

----- Forwarded message -----

From: **Matthew Kempf** <Matk@speea.org>

Date: Fri, Dec 20, 2019 at 4:26 PM

Subject: SPIU Bargaining

To: (b) (6), (b) (7)(C) @boeing.com>

Cc: Rich Plunkett <RichP@speea.org>, Jason Collette <jasonc@speea.org>

(b) (6), (b) (7)(C)

In preparation for bargaining the SPIU bargaining unit, please provide SPEEA with electronic copies of:

1. All studies, reports, or market data on Pilot compensation (base pay, short term incentives and long-term incentives).
2. All studies, reports, or market data forecasting the future demand for pilots
3. All studies, reports, or market data related to the medical & dental plan premiums paid by pilots
4. A summary of income by year for every pilot for every year of the last collective bargaining agreement. Please break out the income into income categories such as base pay, overtime, short-term incentive, Spot cash award, and any other applicable income category so that we can have a comprehensive understanding of the compensation paid to SPIU represented individuals.

Also, if you have a copy of the current contract in a word format, I'd appreciate receiving that as well.

Please provide the information no later than January 8, 2020.

If you have any questions, please do not hesitate to give me a call.

-Matt

Matthew A. Kempf

Sr. Director, Compensation and Retirement

Office: 206-674-7362

Confidential Fax: 206-374-2206

<https://www.linkedin.com/in/speea-kempf/>

--

Jason Collette

Office - 206-674-7370

Confidential Fax - 206-374-2597

Begin forwarded message:

From: (b) (6), (b) (7)(C) @boeing.com>
Date: January 13, 2020 at 12:30:47 PM PST
To: Ray Goforth <Rayg@speea.org>
Subject: RE: Information request from SPEEA regarding SPIU bargaining unit

Ray,

I am writing you in response to your letter dated December 19, 2019 which I received via email from you on December 20, 2019, right before the year-end shut-down for both our institutions.

Regarding the 737 MAX crash investigations, while you do not share the source of your information, in spite of what you have heard we followed our normal process and assigned personnel with the necessary qualifications and capabilities, balancing the needs of the investigation and other existing and expected work packages. As such, we don't view the assignments "unusual decisions" as you characterize.

Your statement that "Boeing plans to use minimally qualified pilots dressed in Boeing pilot uniforms" is false. I would be interested to know where you heard that that is our plan. We have no such plan. I would expect it to be obvious that in light of the scrutiny associated with the MAX, we will continue our long-standing practice to assign fully qualified pilots and that we have no plans to misrepresent the standing of any personnel to our customers and regulatory authorities.

Your information about (b) (6), (b) (7)(C) is incorrect. I have reviewed (b) (6), (b) (7)(C) work history and found (b) (6), (b) (7)(C) salary and salary adjustments were right in line with those of the other members in the

bargaining unit. Further, (b) (6), (b) (7)(C) work history shows (b) (6), (b) (7)(C) assignment to the (b) (6), (b) (7)(C) training did not come with a promotion or salary adjustment.

Your accusations regarding the “reports” you have “received” regarding the conduct of Boeing managers would be troubling, if true. Such action would be contrary to numerous Boeing Behaviors, Total Rewards policies, Ethics policies, and potentially the National Labor Relations Act. The company takes such allegations seriously, and they deserve investigation. That investigation should start with a joint review by you and I of the specific “reports” and the details you are in possession of. If such a joint review substantiates what presently looks like the unsubstantiated rumors and innuendo, then you and I can discuss next steps to the extent appropriate given the unfair labor practice charge filed last week by SPEEA.

I hope you find the above explanations helpful. I understand the company has a legal obligation to provide the union with requested information under certain circumstances, but I do not agree that the opinions and rumors you share justify your demand that we give you every email and text message sent the last four years to or from the fifty people listed in your letter. However, I am certainly open to further discussions on these topics.

(b) (6), (b) (7)(C)

Labor Relations – SPEEA Contracts

(b) (6), (b) (7)(C)

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From: Ray Goforth [mailto:Rayg@speea.org]

Sent: Friday, December 20, 2019 12:11 PM

To: (b) (6), (b) (7)(C) @boeing.com>

Cc: Ellen Kelman <ekelman@laborlawdenver.com>

Subject: Information request from SPEEA regarding SPIU bargaining unit

(b) (6), (b) (7)(C)

Attached is an information request from SPEEA pursuant to the National Labor Relations Act and our SPEEA Pilot Instructor Unit collective bargaining agreement.

Ray

Ray Goforth
Executive Director
SPEEA / IFPTE Local 2001

(b) (6), (b) (7)(C) 2019

(b) (6), (b) (7)(C)

Employee & Union Relations
The Boeing Company
PO Box 3707 M/C 20-16
Seattle, WA 98124-2207

SUBJECT: Information request pursuant to the National Labor Relations Act and the SPIU collective bargaining agreement.

(b) (6), (b) (7)(C)

SPEEA previously raised two significant concerns regarding the Boeing pilots represented by SPEEA.

- 1) For the 737 MAX crash investigations, Boeing bypassed its normal process of dispatching Tech and Safety pilots to help conduct the investigations. SPEEA was never given an explanation for this unusual decision.
- 2) For 737 MAX crew training, Boeings plans to use minimally qualified temporary contract pilots dressed in Boeing pilot uniforms. In particular, SPEEA has concerns about Boeing's plan to misrepresent to customers and regulatory authorities that these temps are genuine Boeing Instructor Pilots.

After SPEEA raised these concerns, we received reports that Boeing managers approached SPEEA-represented pilots and promised a 25% pay raise if they would decertify their union. Moreover, we have reports that a specific pilot was promised rewards in addition to the 25% raise if he would organize the decertification process (while hiding Boeing's involvement).

While we would like to believe that these reports are false, we note that Boeing rewarded (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for trying to decertify the SPIU bargaining unit a couple years ago with a special assignment of (b) (6), (b) (7)(C). That special assignment purportedly came with a cash reward.

In order to investigate these reports, SPEEA hereby requests copies of ALL emails and text messages sent or received from the accounts and individuals in the appendix to this letter.

PROCESS:

SPEEA and Boeing have a long history of trying to work information requests collegially. Unfortunately, recent history has damaged our trust in that process.

As you are aware, after SPEEA Council Representatives found engineers working on tasks who were (1) not in SPEEA; and (2) not on the rosters of contract engineers required to be provided to SPEEA, we requested an explanation of what was going on.

Boeing first explained these contract violations as the result of “rogue managers.” Initially, we took the company at its word. However, after we kept finding pockets of these contract violations, the repeated excuse that it was the result of rogue managers made less and less sense.

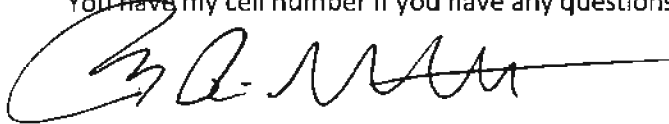
SPEEA then made an information request for all non-SPEEA engineering personnel within our jurisdiction. Similar to the original “rogue manager” excuse, Boeing gave us a series of explanations that grew increasingly improbable over time. After 11 months of excuses for why Boeing couldn’t produce the data, we finally filed an Unfair Labor Practices charge.

That charge (Case 19-CA-239453) resulted in a settlement agreement where Boeing acknowledged that it had illegally withheld this information. Boeing then gave SPEEA a data set that it falsely represented to the National Labor Relations Board was in full compliance with the settlement agreement. SPEEA knew this representation was false because we had independently gathered some of the information at issue. When confronted with evidence that Boeing had yet again lied to SPEEA and the NLRB, Boeing reluctantly admitted that we were correct.

It’s still an open question in our minds whether Boeing is still withholding information.

Because of this recent history, AND because the requested data are all electronic records easily retrievable, failure to comply with this information request by January 8, 2020 (ten business days) will be interpreted as a refusal to provide the requested data.

You have my cell number if you have any questions.

A handwritten signature in black ink, appearing to read "Ray Goforth", with a long horizontal line extending to the right.

Ray Goforth

Executive Director

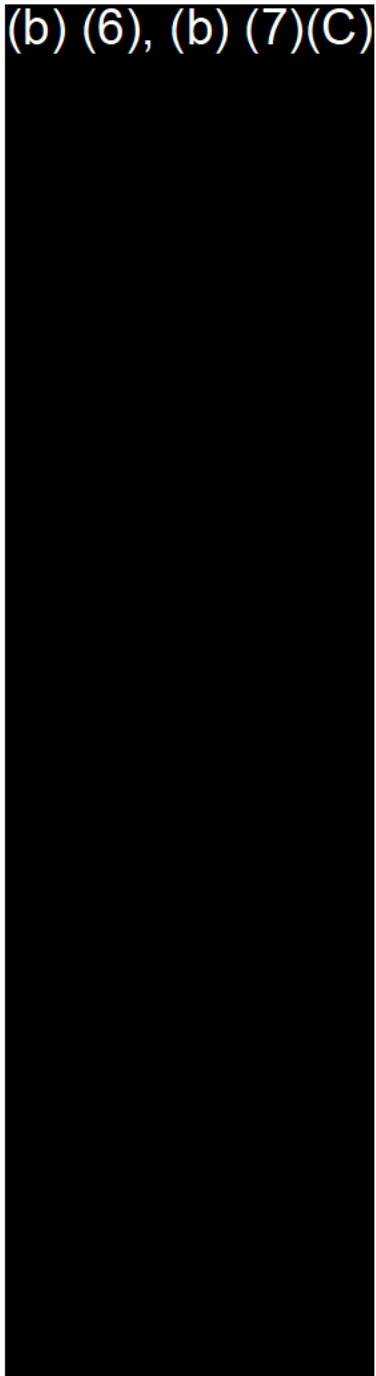
SPEEA / IFPTE Local 2001

APPENDIX

SPEEA hereby requests copies of ALL emails and text messages sent or received from the Boeing accounts associated with the individuals listed below in the time frame of January 1, 2016 to December 20, 2019.

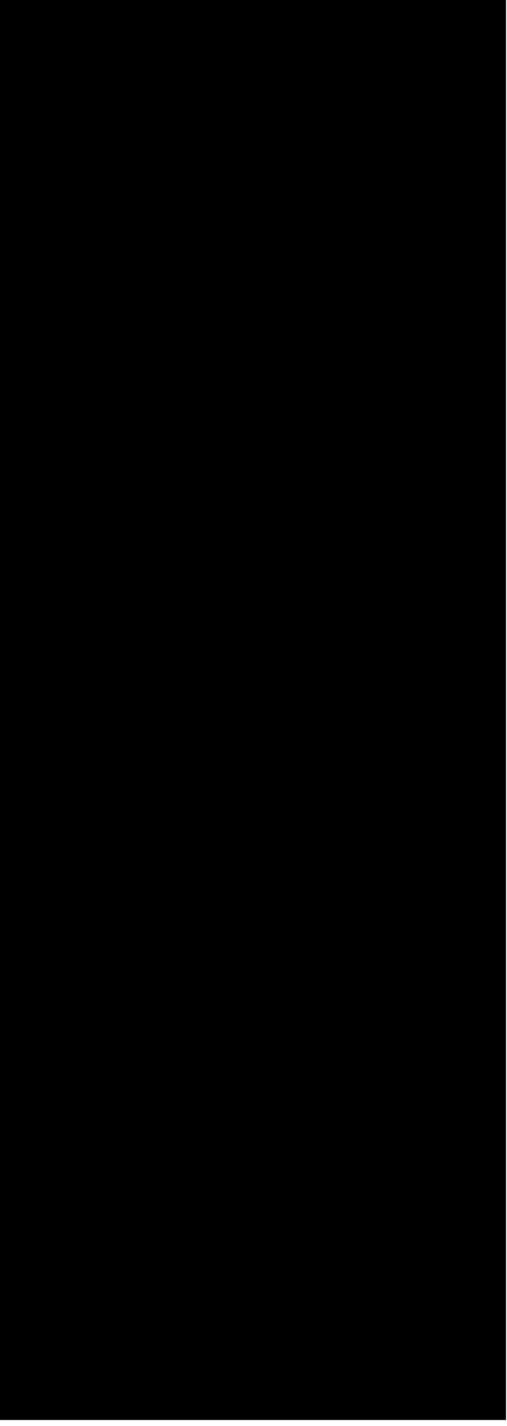
Management personnel:

(b) (6), (b) (7)(C)



SPIU Bargaining Unit members:

(b) (6), (b) (7)(C)



NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

The Boeing Company

and

Society of Professional Engineering Employees in
Aerospace, IFPTE, Local 2001

CASE 19-CA-254438

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

The Boeing Company

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Brennan W. Bolt

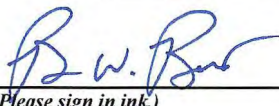
MAILING ADDRESS: Perkins Coie LLP, 500 N. Akard Street, Suite 3300, Dallas, TX 75201

E-MAIL ADDRESS: bbolt@perkinscoie.com

OFFICE TELEPHONE NUMBER: (214) 259-4962

CELL PHONE NUMBER: (404) 425-8179

FAX: (214) 965-7762

SIGNATURE: 

(Please sign in ink.)

DATE: 1-16-2020

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

..

From: Bolt, Brennan (Perkins Coie) <BBolt@perkinscoie.com>
Sent: Friday, January 17, 2020 11:37 AM
To: Dunn, Sara C.
Subject: RE: Courtesy Copy of Charge CHG.19-CA-254438.signed ULP charge.pdf

Sara,

I hope everyone is okay and that it is nothing serious.

We would like the Region to issue a letter with the reasons and the appeal rights, but if the letter won't issue until sometime after Tuesday, if you could call me on Tuesday to apprise me of the reasons informally, I would appreciate it. I'm on the road next week, so please call my cell – (b) (6), (b) (7)(C). Thank you.

Brennan Bolt | Perkins Coie LLP

PARTNER*

500 N. Akard Street Suite 3300

Dallas, TX 75201

D. +1.214.259.4962

F. +1.214.965.7762

E. BBolt@perkinscoie.com

*Admitted only in Georgia.

From: Dunn, Sara C. <Sara.Dunn@nlrb.gov>
Sent: Friday, January 17, 2020 11:06 AM
To: Bolt, Brennan (DAL) <BBolt@perkinscoie.com>
Subject: Re: Courtesy Copy of Charge CHG.19-CA-254438.signed ULP charge.pdf

Brennan,

I am out today (b) (6), (b) (7)(C). Would Tuesday work? Also-upon request the Region can issue a letter with the reasons and set out your appeal rights.

Sara

Sent from my iPhone

On Jan 17, 2020, at 7:42 AM, Bolt, Brennan (Perkins Coie) <BBolt@perkinscoie.com> wrote:

Sara,

Hope you are doing well. I'm writing to follow up to learn specifically which allegations in SPEEA's charge form the basis for the Regional Director's decision to block the processing of the decertification petition and/or the reasons therefore. If you could give me a call at your earliest convenience, I would greatly appreciate it.

Thank you.

Brennan Bolt | Perkins Coie LLP

PARTNER*

500 N. Akard Street Suite 3300

Dallas, TX 75201

D. +1.214.259.4962
F. +1.214.965.7762
E. BBolt@perkinscoie.com
*Admitted only in Georgia.

From: Dunn, Sara C. <Sara.Dunn@nrlb.gov>
Sent: Friday, January 10, 2020 3:03 PM
To: Bolt, Brennan (DAL) <BBolt@perkinscoie.com>
Subject: Courtesy Copy of Charge CHG.19-CA-254438.signed ULP charge.pdf

Brennan,

Attached is a copy of the charge. As the legal representative for the Employer, you will be sent this by regular mail. I don't believe it will appear on NLRB website because the Agency redacts certain information. As such, those who are not a party to the case request a copy of the charge through FOIA.

Thanks,

Sara

Sara C. Dunn
Field Examiner
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, WA 98174

(206) 220 - 6318 (direct)
(202) 689 - 7580 (cell- note, that's a 202 area code!)
sara.dunn@nrlb.gov

Please note the NLRB will soon begin to require electronic filing of documents. See [GC Memo 20-01](#) on the Agency's website. Below is information to assist you in this requirement:

1. Written instructions for using the Agency's E-Filing system and the Agency's Electronic Filing Terms and Conditions policy have been posted on the Agency's website. See <http://apps.nrlb.gov/myAccount/assets/E-Filing-System-User-Guide.pdf>.
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3. For Frequently Asked Questions, please see <https://apps.nrlb.gov/myAccount/#/FileCaseDocuments/FAQ>
4. **If you require additional assistance with E-Filing, please contact e-filing@nrlb.gov**
5. If you're ready to e-file a new charge or petition, go to <https://apps.nrlb.gov/chargeandpetition/#/>

To provide feedback on your E-Filing experience, see: <https://www.nrlb.gov/how-we-work/fillable-forms/site-feedback>

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..

From: Kobe, James
Sent: Friday, January 17, 2020 4:56 PM
To: Dunn, Sara C.; Todd, Dianne; Cherem, Rachel; Little, Janet C.; Perkins, Victoria; Willmore, Winnie
Subject: Case Transfer of Boeing (19-CA-254438)

The charge in Boeing (19-CA-254438) is hereby transferred from DUNN to CHEREM.

Kobe

From: Cherem, Rachel
Sent: Wednesday, January 22, 2020 6:11 PM
To: Ellen Kelman
Subject: Boeing (19-CA-254438)

Ellen,

Per our discussion, I am requesting that the Union submit a position statement of setting forth all evidence, theories, and applicable case law regarding: (a) the need for a *St. Gobain* hearing; and (b) the alleged unfair labor practices the union believes can be remedied by the instant charge and fall within the 10(b) period. Please feel free to include anything else that you believe the Regional Director should consider as part of this case.

Also, my understanding is that the union has not been in a position to present any employee witnesses for Board affidavits. If at any point that changes, please let me know immediately.

Please provide your position statement by no later than COB Monday, February 3rd.

As always, feel free to be in touch with any questions.

Thanks,
Rachel

Rachel Cherem

Field Attorney
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue, Seattle, WA 98174
Office: (206) 220-6298
Cell: (202) 262-7155
Fax: (206) 220-6305

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1. Written instructions for using the Agency's E-Filing system and the Agency's Electronic Filing Terms and Conditions policy have been posted on the Agency's website. See <http://apps.nlr.gov/myAccount/assets/E-Filing-System-User-Guide.pdf>.
2. The Agency's website also contains a video demonstration which provides step-by-step instructions. See https://apps.nlr.gov/myAccount/assets/My%20Account%20Portal%20Overview/story_html5.html.
3. For Frequently Asked Questions, please see <https://apps.nlr.gov/myAccount/#/FileCaseDocuments/FAQ>.
4. If you require additional assistance with E-Filing, please contact E-Filing@NLRB.gov.

To provide feedback on your E-Filing experience, see: <https://www.nlr.gov/how-we-work/fillable-forms/site-feedback>

Rachel Cherem
NLRB Region 19

Re: Information relevant to (b) (6), (b) (7)(C), (b) (7)(D) -20 affidavit, 19-CA-254438

Rachel -- the attached document was referenced in (b) (6), (b) (7)(C) Offer of Proof and, we believe, (b) (6), (b) (7)(C), (b) (7)(D)

[REDACTED]

[REDACTED]

[REDACTED]

If you have questions, of course, give me a call.

Ellen Kelman
ekelman@laborlawdenver.com
303-333-7751

Boeing Executive Leadership,

In just over two years, BT&E Flight Operations Commercial and Military Derivatives (hereafter BT&E Flight Operations or simply Boeing) has seen twelve pilots leave, nearly 20% of the ranks. This unprecedented pilot attrition is largely due to the failure of The Boeing Company to meet industry standards in both flight crew compensation and quality of life. Although our management team has made several efforts to improve workplace conditions, we still fall far short of industry standards. Patience is wearing thin due to the slow pace of workplace improvements.

The increasing workload on those who remain is eroding morale. On the production side, future 737 rate breaks, the new China Delivery Center, Tanker backlogs, and weekly paint runs to California will add considerable pressure to our flight crew organization. On the engineering side, the 737 MAX-7 & MAX-10, KC-46A, 777X and other programs will engage all of our engineering pilot resources with considerable contribution from the senior production pilot ranks. An impending wave of retirements from senior pilots and systems operators also looms.

The flight crews of BT&E Flight Operations have played a vital role in delivering more commercial airplanes than any manufacturer for six straight years, including a record of 763 airplanes last year.¹ Regrettably, our ability to continue delivering superior value to our customers could be in jeopardy due to a shrinking workforce of experienced aviators. Continued pilot attrition is inevitable without significant change in work-life balance policies and overall compensation. Simply hiring more professional aviators is not the long-term solution. Without changes, we run the risk of continued loss of experienced pilots and systems operators (SOs) and failure to retain new hires. Without changes, we will find it difficult to attract the talent we need for long-term success. The Boeing Behaviors ask that we invest in our team and empower each other. We ask that our leadership invest more in sustaining and developing our current team, talent, and leaders to achieve our Boeing 2025 goals.

We, the undersigned, ask that you please take some time to read over the following pages. We wish to communicate our perspectives, frustrations, and concerns with candor and honesty. Thank you for your consideration.

¹ <http://boeing.mediaroom.com/2018-01-09-Boeing-Sets-Airplane-Delivery-Record-Finishes-2017-with-Larger-Order-Book>

Who has left Boeing?

BT&E Flight Operations is a relatively small group consisting of roughly 60 pilots and 30 systems operators. With each departure, however, Boeing loses valuable flight test experience and training capital. Within the group, the persistent question of "who's leaving next?" chips away at morale.

Name	Date	Destination	Name	Date	Destination
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2018	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2017	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2018	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2017	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2018	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2017	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2018	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2017	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2018	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2016	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2018	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2015	(b) (6), (b) (7)(C)

There is a growing demand for pilots throughout the world. In 2017, The Boeing Company released a study stating that North America will require 117,000 new pilots in the next 20 years to meet growing demand.² By the end of 2026, more than 42% of active U.S. airline pilots at the biggest carriers will retire, about 22,000, according to a recent report by Cowen & Company.³

In addition to the above, (b) (6), (b) (7)(C) 2015, (b) (6), (b) (7)(C) 2017 and between 2013 and 2015 we also lost (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) More than virtually any other flying organization, long experience, 10 or 20 or more years, is extremely important in test flying. Boeing is not doing enough to retain experienced crew. The flight crew world has changed, Boeing has not.

So, who's leaving next?

² <https://www.boeing.com/commercial/market/pilot-technician-outlook/2017-pilot-outlook/#/quick-facts>

³ <http://money.cnn.com/2017/07/27/news/companies/pilot-shortage-figures/index.html>

Why did they leave Boeing?

Joining the select team of test pilots and systems operators, both prestigious and highly respected positions, is a great achievement. So, why are so many experienced Boeing pilots leaving the company far before retirement age? Below are a number of factors, provided by pilots in recent exit interviews, which ultimately led to the decision to leave Boeing.

Compensation

One of our (b) (6), (b) (7)(C) provided an in-depth, total compensation comparison between (b) (6), (b) (7)(C) and Boeing. (b) (6) pitted an aggressive career path at Boeing against a career progression at (b) (6), (b) (7)(C) that prioritizes quality of life over pay. Including retirement benefits, (b) (6) estimated lifetime earnings at Boeing totaled (b) (6), (b) (7)(C) compared to (b) (6), (b) (7)(C) working at (b) (6), (b) (7)(C).

In 2017, record-breaking performance-based payouts at Boeing totaled roughly 9% of income, a generous and welcomed reward. However, Delta Air Lines dispersed over \$1 billion in profit sharing to its employees last year. Their pilots were paid 15% of their salary in one lump sum.⁴ Southwest Airlines supplemented their pilots with 13.2% in profit sharing payouts in 2016.

Hourly per diem pay, international overrides, and up to 200% pay for “green slip” trips (trips that pay overtime) also add to the compensation appeal of the airlines.

Pay Comparisons – Boeing vs. the Airline Industry

Let’s make a fact-based, objective comparison between production pilot salaries at The Boeing Company and pilot salaries at the major airlines.

A majority of production pilots Boeing are either level 3 or level 4, both are captain positions. Highlighted in Figure 1, below, is a 1.1x ‘market reference’ salary for a Boeing production level 4 captain. This individual is responsible for maintaining proficiency in both narrow-body and wide-body aircraft, typically in the 737, 777, and 787. It is rare for an airline pilot to fly more than one type of aircraft. Our more senior pilots and SOs regularly fly 737, 747, 767, 777, and 787. Some also fly KC-46 and P-8. Production test flying involves numerous non-normal system configurations and is often accomplished with Boeing customers who are typically line pilots, not test pilots. Educational requirements for production pilots include possessing an engineering degree from an accredited university, though most of our pilots also have advanced degrees. To move beyond level 4 requires that the pilot become a aircraft model lead or an FAA AR, or both. Typical engineering pilot experience and qualifications exceed that of production pilots.

Select airline rates are shown in Figure 2. The salaries listed portray the minimum reserve guarantee salary (minimum monthly guarantee credit hours x hourly rate x 12) for junior captains who are responsible for maintaining proficiency in just one airplane. This example also assumes the lower end of narrow-body airline salaries, the 737 for passenger airlines and 757 for cargo operators; Average line pilots can easily earn far more than the figures below. Note: Basic requirements needed to obtain a pilot position at the major airlines are far less rigorous than those at Boeing. Generally, one must have military or previous regional airline experience and a four-year degree.

⁴ <http://www.businessinsider.com/delta-air-lines-employees-1-billion-profit-sharing-bonus-2018-2>

Pay Comparisons – Boeing vs. Select Airlines

Boeing Production Pilot (AD-PF)				
Pilot Level	Basic Requirements	2018 Salary		
		MR	1.1MR	1.25MR
3	Captain in 1 model	\$139,500	\$153,500	\$174,500
4	Capt. in 2+ models	\$168,000	\$184,800	\$210,000
5	Capt. in 3+ models and model lead	\$189,500	\$208,500	\$237,000

FIGURE 1

“Boeing Δ” in Figure 2 compares Boeing a production pilot level 4 salary at 1.1x market reference, \$184,800 bolded above, to industry *minimum* for a captain in his/her third year at the company. Average Boeing Δ for pilots in year three of employment is -\$36,600/year, see below.

Major Passenger & Cargo Airline Narrow-body Captain							
Years of Service	Minimum Reserve Guarantee Salary for 2018						
	American	Delta	United	Alaska	Southwest	FedEx	UPS
1	\$217,200	\$219,900	\$204,000	\$190,800	\$212,500	\$188,300	\$44,700
2	\$219,000	\$221,600	\$205,800	\$192,600	\$215,300	\$209,600	\$275,000
3	\$220,750	\$223,400	\$207,500	\$194,400	\$218,100	\$210,500	\$276,000
4	\$222,500	\$225,100	\$209,200	\$196,200	\$220,900	\$211,300	\$276,000
5	\$224,200	\$226,900	\$210,800	\$198,000	\$222,800	\$213,100	\$277,000
Boeing Δ	-\$35,950	-\$38,600	-\$22,700	-\$9,600	-\$33,300	-\$28,700	-\$60,200

FIGURE 2

Source: airlinepilotcentral.com

Now let's take a look at what is possible beyond the minimum reserve guarantee pay at the major airlines. Figure 3 explores what a senior captain with 12 years of company service at the airlines will earn in 2018 and also shows the deficit in pay that a senior Boeing captain will experience in comparison.

Major Passenger & Cargo Airline Wide-body Captain							
Years of Service	Average Line Pilot Captain Salary in 2018						
	American	Delta	United	Alaska	Southwest	FedEx	UPS
10	\$321,750	\$329,700	\$318,800	N/A	N/A	\$293,200	\$297,200
11	\$324,700	\$332,600	\$320,800	N/A	N/A	\$296,200	\$300,100
12	\$326,700	\$334,500	\$322,700	N/A	N/A	\$299,100	\$304,000
Boeing Δ	-\$99,300	-\$107,100	-\$95,300	N/A	N/A	-\$71,700	-\$76,600

FIGURE 3

Source: airlinepilotcentral.com

Note: For this comparison, the Boeing pilot is a level 5 captain earning 1.2x market reference for 2018, which amounts to a \$227,400 salary. The average difference (Boeing Δ) is an alarming -\$90,000 per year!

Note: An average of 82 credit hours per month is assumed for airline salary calculations. 777 or 767 rates were used, where applicable. Alaska Airlines and Southwest airlines currently do not operate wide-body aircraft. Factors that add to yearly compensation such as per diem pay, international override pay, on-time pay, deadhead pay, open time pay, profit sharing, etc. were not included in airline salary calculations.

As a result of the dearth of pilots now and into the future, salaries are expected to increase.⁵ Each of the airlines listed above have contractual pay raises. UPS and Southwest's pay rates will rise 3% each year through 2020. Delta and United agreed to a 3% raise this year, which will increase an additional 4% in 2019 per contract.

To summarize the compensation piece, many of our pilots are frustrated because they feel that they are not fairly compensated for their level of education, experience, authority, autonomy, and risk exposure. Flying the newest and best commercial airplanes in the world is truly a wonderful experience, but that novelty married with below industry standard pay has its limitations.

Of course, money isn't everything. Many of our pilots cited reasons other than the pay disparity as primary motivators to leave. Below is a brief look at how Boeing compares to the major airlines in areas other than salary.

Benefits

Travel: Airline pilots have instant access to worldwide travel privileges for their spouse, dependents, and parents. Each pilot also enjoys the ability to "jumpseat" on virtually any airline in the country - free of charge. This is a useful tool that allows pilots to live anywhere they choose and commute to work. Boeing does not offer this benefit.

Retirement: Delta offers a 16% direct contribution to all of their pilots' 401k. No contribution from the pilot is necessary. FedEx Express offers their pilots a 50% of final salary pension (A-plan) as well as an 8% direct contribution (no pilot contribution required) to a 401k (B-plan). Boeing offers a 6% match to an employee 8% contribution in the VIP with 3%-5% in VIP+. The total is 17%-19% but requires an employee contribution of 8%. In comparison with Delta, for the equivalent percentage of total contribution, the Delta pilot would have about 5% more take home pay, another \$10,000+ annually.

The Pilot Early Leave (PEL) is a heralded benefit at Boeing and has been enjoyed by several recent retirees. Unfortunately, PEL was discontinued for new hires without notice several years ago. This benefit is shrouded in mystery and can be a sore topic among the group. The effort to rework PEL as a retention tool is applauded, however, the SOs should be considered for inclusion.

Vacation: Alaska, Southwest, Delta, United, FedEx Express, UPS, and American Airlines all offer between 21-22 vacation days per year to employees with 6 years on property. Boeing offers employees with 6 years of service the equivalent of 15 days of vacation per year. Since Boeing does not require vacation to cover weekend days, though, 15 days of vacation is equivalent to 21 days in the manner the airlines have to use theirs. There are pros and cons to how airlines manage vacation. Overall it is breakeven.

(cont.)

⁵ <http://www.aviationnews-online.com/people/cowen-pilot-retirements-accelerate-beginning-in-2021-peak-in-2025/>

Safety

Boeing Flight Operations has an exceptional safety record. As a company, we have not had a fatality from an aircraft accident since 1959. However, we understand that we are not immune; risk is inherent in any flight test organization. Consider our aerospace competitors: Airbus, Gulfstream, Sukhoi, Virgin Galactic, and Bombardier, all have had flight test accidents since 2000, resulting in a combined 57 fatalities.

In the last few decades, the most senior production pilots at Boeing had over 20 years of experience in Boeing Flight Test; the current most senior production pilots have just over 10. Our average experience is decreasing, eroding safety margins. Part of airlines' admirable safety record stems from crews sharing a common language and rigorously trained standard operating procedures. We regularly fly with customer pilots with marginal English-speaking skills and different standard operating procedures, many of whom have never flown a demonstration flight profile before. We face many additional daily challenges: constant schedule pressure from manufacturing, inexperienced flight test directors, under-trained "guest help" pilots, a growing work statement, and increasing fatigue due to a shrinking workforce. So why should an airline pilot earn more than a Boeing test pilot?

Closing Statement

The problems and challenges we have outlined have been known, and frequently discussed, for at least two years, yet substantial fixes have eluded us. Salary tables have barely moved. Recent raises, though welcome and generous, by historical Boeing standards, are not the step change we need and have not slowed the wave of departures. In fact, much of the pay raises served only to offset the loss of overtime. It remains to be seen if the new Bonus Compensation program will fulfill its promise.

Recently, BT&E Flight Operations has hired contractors to fly production aircraft. Their sudden presence has made some of our flight crews very concerned about their future at Boeing and added weight to their consideration of leaving Flight Test now instead of waiting to be forced out in a few years.

We are disappointed that the airline industry is leading The Boeing Company, the world's premier aircraft manufacturer, in offering a superior mix of pay and benefits to their flight crews. We are concerned that continued flight crew attrition will add more strain to a weary group focused on safety, first-time quality, and delivering record-breaking performances year after year.

All Boeing commercial airplanes (737, 747, 767, 777, 787 & NMA) and large military airplanes (P-8, AEW&C, C-40, C-17, KC-46 & VC-25) have to literally pass through our hands for flight test before certification and delivery. Those deliveries constitute nearly 2/3 of Boeing's annual revenue.

In the "Be Boeing" video released 5/21/18, Dennis Mullenburg said, "The most important investment we make as a company is the one we make in our people." We are asking for exactly that, an investment into our small (about 100 people), yet critical team.

To the decision makers at Boeing: We are calling for a step change in flight crew compensation and overarching reform to improve work/life integration. Concrete action is needed immediately to stem further departures of our professional, trained, and experienced flight crews.

Let's work together now to make Boeing the best place to work for any professional aviator.

Thank you.

Overtime: Overtime pay was largely stripped from non-union employees at Boeing in 2016. However, as of April 2 of this year, a bonus compensation program was implemented as a reward for flight crew members who, due to unscheduled changes in work requirements, log over 40 hours in a week - subject to management approval. This was a positive step and the hard work of our leadership to get the program approved is appreciated. However, this new program pales in comparison to the 150-200% pay for trips offered to pilots who are willing to pick up extra work at any of the passenger airlines or major cargo operators.

Work-Life Balance

Days Off: The average number of days off at Boeing is 8 days a month. At any major airline, the average range is between 11-18 days off per month.⁶

Weekends: Pilots at Boeing are now assigned between 4-5 weekends per quarter, which means that 40% of weekends will be spent at work. 'Nights and weekends off' cannot honestly be claimed as a benefit to working at Boeing anymore.

Flight schedules: Airline pilots typically bid for and receive their entire monthly schedule with several weeks advance notice. They know exactly which dates they will work, when to show for a trip, and the hour they can leave. Conversely, Boeing pilots experience very unpredictable schedules, which adds considerable strain to work-life balance. Airplane release times provided by manufacturing are dubious at best and make reliable daily planning untenable.

Commute: Airline pilots commute to work about 4-7 times per month to a single airport and can often manipulate their schedules to drive during off-peak hours. In the airline world, holding a position that has to cover two or more bases (common in New York and LA) is not desirable as it makes optimizing commutes difficult. Boeing crews in Puget Sound are generally expected to support both Seattle and Everett and drive during peak traffic hours 5 times per week. The Everett to Seattle commute is now rated the worst in the nation for time spent in congestion.⁷ Making a two-hour, one-way commute 5 times a month is manageable, doing it 20 times a month is miserable.

Cost of living in Seattle

New hire pilots and systems operators moving to the area are often shocked at the cost of living in Seattle, which is 49% higher than the national average⁸. Seattle is home to the hottest real-estate market in the country.⁹ Median home values have risen over 70% in the past five years and are up to \$740,700¹⁰ in the first quarter of 2018.

Boeing flight crews in Puget Sound are expected to support both Boeing Field and Paine Field on a daily basis. Minimizing hours of commute time between these locations requires living in a fairly narrow and very expensive band. Where housing is affordable, schools are often inadequate leading to additional costs for private schools or alternate arrangements. Again, the ability of most airline crews to accept a two-hour or greater commute to work makes optimizing commuting, housing prices, and school quality much more manageable.

⁶ <http://www.aerocrewnews.com/acn/2018/04-ACN-Apr-2018.pdf>

⁷ <http://www.heraldnet.com/news/everett-has-earths-worst-traffic-congestion-by-one-measure/>

⁸ <https://www.payscale.com/cost-of-living-calculator/Washington-Seattle>

⁹ <https://www.seattletimes.com/business/real-estate/seattle-area-home-market-was-nations-hottest-for-2017/>

¹⁰ <https://www.zillow.com/seattle-wa/home-values/>

----- Forwarded message -----

From: (b) (6), (b) (7)(C) @boeing.com>

Date: Thu, Jan 9, 2020 at 1:30 PM

Subject: SRT

To: Rich Plunkett <RichP@speea.org>

ADPX (Trnsp Tech & Safety Pilot)

Level	Currency	Min	Mid	Max
(b) (4)				

ADPF (Production Pilot)

Level	Currency	Min	Mid	Max
(b) (4)				

Level	Currency	Min	Mid	Max
(b) (4)				

ADPL (Test Pilot)

Level	Currency	Min	Mid	Max
(b) (4)				

ADPT (Corporate Jet Pilot)

Level	Currency	Min	Mid	Max
(b) (4)				

Level	Currency	Min	Mid	Max
(b) (4)				

(b) (6), (b) (7)(C)

(b) (6), (b) (7) (b) (6), (b) (7)(C)

SPEEA Council Representative District E-60
Quidquid latine dictum sit, altum viditur.

From: Ray Goforth <Rayg@speea.org>
Date: January 22, 2020 at 8:20:20 PM PST
To: (b) (6), (b) (7)(C) @boeing.com>
Subject: SPIU information request

(b) (6), (b) (7)(C) I have reviewed your email to me of January 13, in which you contest the premises of the union's December 20, 2019 request for information about the use of bargaining unit pilots, and therefore effectively refuse to supply any information. I set out the information which underlay our request, but this was not a proposal that we argue over that: It was a request for information that is necessary for us to perform our representative function. So, to clarify (and because this information was initially sought, now, more than a month ago), please provide the following no later than [Friday, January 31, 2020](#):

1. Identify all bargaining unit employees who were utilized by Boeing in the 737 MAX crash investigations after the Lion Air and Ethiopia Airlines crashes.
2. Identify all bargaining unit employees (by name and classification) who have been utilized by Boeing in any crash investigation in the 10 years preceding the Lion Air crash.
3. If no bargaining unit employees were utilized by Boeing in the Lion Air and Ethiopia Airlines crash investigations, please produce all communications (including, without limitation, emails; memos; notes whether handwritten or otherwise; documentation of phone calls or conversations) through which the company, in your words, "followed our normal process and assigned personnel with the necessary qualifications and capabilities, . . ." to those investigations, including any such communications and documentation through which it was concluded that there were no bargaining unit Tech or Safety pilots who should be assigned that work.

4. Identify all contract pilots by employer who have been uniformed as Boeing pilots since February 11, 2017 who has performed functions identified as or similar to those of Instructor, standards, safety, technical or simulator-only pilots. For each individual so identified, identify the uses to which such pilots have been put; the customer to whom they have been assigned; and a summary of their qualifications, as presented to Boeing. It is sufficient, in responding to this request, to identify the individuals by anonymous alphanumeric designation.
5. Please provide all of the emails and instant messages requested in the December 20th information request.

Ray

Ray Goforth
Executive Director
SPEEA / IFPTE Local 2001



15205 52nd Avenue S | Seattle, WA 98188 | [206] 433.0991 | FAX [206] 248.3990

January 9, 2020
L20-009
2020-01-003

(b) (6), (b) (7)(C)

Employee & Union Relations
The Boeing Company
PO Box 3707 M/C 20-16
Seattle, WA 98124-2207

Re: Step 3 Grievance – Company violation of Letter of Understanding No. 3 Relating to Data Reports, SPEEA Pilot/Instructors Unit

Dear (b) (6), (b) (7)(C)

Please consider this a grievance under the current SPEEA/Boeing CBA governing the Pilots/Instructors unit for violation by Boeing of LOU No. 3, which provides that “The company will provide data feeds to the union in the same format as the SPEEA Puget Sound bargaining units.” (The Puget Sound contracts provide that: “The Company will provide that data to the Union which is listed in the memorandum from the Company to the Union, dated October 31, 2008, subject to such revisions in the future as may be made by mutual agreement of the parties. Nothing herein is intended to waive any right the Union may have to receive additional data.” A copy of that memorandum is attached.) The history of this language, and this practice, is relevant:

For decades, Boeing has provided certain basic data sets to SPEEA, facilitating our contact with (and therefore, representation of) our large bargaining units. (The obligation to provide such information was set out at least as far back as the 1975 contracts, possibly earlier.) The exchange goes back far enough that it used to be on datatapes, then FTP servers; perhaps even, earlier, on microfiche. By 1980, the data was provided monthly. By 1990 it was weekly, and it continued to be provided weekly until 2019.

In the fall of 2018, Boeing let SPEEA know that it would be implementing a new “off the shelf” system called Worklife, which is a product of Workday. Workday is a large company with capable software, but Boeing chose to implement it in a manner that has violated the contract(s). Thus, while we understand that there are always issues related to transitioning from a 100% customizable home-built system (Boeing’s prior “Total Access”) to an off-the-shelf system (Worklife) but that is/was expected, and we expected Boeing to take appropriate steps to work with us to make Worklife data available and usable for us.

As a result of switching to the Worklife system, Boeing indicated it would have to recreate the data files it would normally send to us. It also asked if we would be ok without receiving SSNs. We acknowledged that SSNs aren’t necessary on our side, and we requested that a couple additional fields be added. We had planned on performing user acceptance testing (UAT) in the spring of 2019. We requested updates on 1/3/19, 1/16/19, 2/8/19, and on 3/6/19 (a message that included a specific reminder

that SPEEA would need time to update its own system to be able to accept data from Boeing.) Boeing never sent a single test file for the bargaining unit datafile.

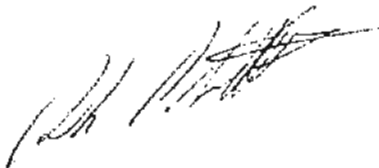
On June 7, 2019, Boeing sent SPEEA a file that was (and that Boeing has ultimately acknowledged was) unusable, with fields cut off, individuals repeated multiple times in the file, hundreds of omitted bargaining unit members from across the enterprise, uninterpretable employee i.d. numbers, truncated codes, and more, including significant blank fields. While Boeing provided a file that was, from its point of view, cleaned up on December 12, 2019 (shortly before the annual shut-down both of Boeing and SPEEA), we are still working on our end on importing that data into our own system, an issue that Boeing has been aware of from the first. Thus, the last fully accessible list of bargaining unit members we had before the December 12 version is from May 31, 2019. Since that time, we have been effectively barred from providing full and adequate representation to our members, because we have had no reliable way to identify them.

Because of the nature of this violation, the union is troubled about the ability of any remedy truly to right the wrong. However, we request the following:

1. A mandatory meeting on company time and company property with all members of the bargaining unit (including any individuals who were in the unit since May 2019 and are now employed elsewhere by Boeing) to give the union an opportunity to explain the manner in which it was cut off from the unit by Boeing's actions;
2. Payment by Boeing of the dues of any members of whose presence in the unit we were not timely informed;
3. Reimbursement of the costs of the union in pursuing the data to which we have been entitled, including a calculated salary reimbursement for union employees.

We are filing this grievance without prejudice to our rights to pursue additional or other legal remedies, but solely in the event that it is determined by an authoritative body that a grievance should have been pursued.

Sincerely,



Rich Plunkett
Director of Strategic Development
SPEEA / IFPTE Local 2001

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 19**

THE BOEING COMPANY Employer and AIRPLANE MANUFACTURING PILOTS ASSOCIATION Petitioner	Case 19-RC-071950
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TYPE OF ELECTION: DECISION AND DIRECTION OF ELECTION

AMENDED CERTIFICATION OF REPRESENTATIVE

An election has been conducted under the Board's Rules and Regulations among the following employees:

All full-time and regular part-time standards pilots, safety pilots, technical pilots, and simulator-only pilots/instructors employed by the Employer at or out of its Renton, Washington facilities; excluding pilots on Pilot Early Leave, BTE pilots, executive pilots, pilots located and working remotely outside the State of Washington, office clericals, guards and supervisors as defined in the Act.

The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, IT IS HEREBY CERTIFIED that

AIRPLANE MANUFACTURING PILOTS ASSOCIATION

may bargain for the above employees as part of the unit of employees that it currently represents.



May 18, 2012

Ronald K. Hooks

RONALD K. HOOKS
Regional Director, Region 19
National Labor Relations Board

NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances,¹ an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

¹ Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

THE BOEING COMPANY

Employer

and

AIRLINE MANUFACTURING PILOTS ASSOCIATION

Petitioner

Date Filed

Case No. 19-RC-071950

1/6/12

Date Issued May 10, 2012

Type of Election
(Check one:)

- ☐ Stipulation
☐ Board Direction
☐ Consent Agreement
☒ RD Direction
Incumbent Union (Code)

(If applicable check
either or both:)

- ☐ 8(b) (7)
☐ Mail Ballot & Manual

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters 67
2. Number of Void ballots 0
3. Number of Votes cast for PETITIONER 48
4. Number of Votes cast for
5. Number of Votes cast for
6. Number of Votes cast against participating labor organization ☒ 11
7. Number of Valid votes counted (sum of 3, 4, 5, and 6) 59
8. Number of Challenged ballots 0
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) 59
10. Challenges are not sufficient in number to affect the results of the election.
11. A majority of the valid votes counted plus challenged ballots (Item 9) has ~~not~~ been cast for

AIRLINE MANUFACTURING PILOTS ASSOCIATION

For the Regional Director

Region 19

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For EMPLOYER

For PETITIONER

[Signature]

[Signature]

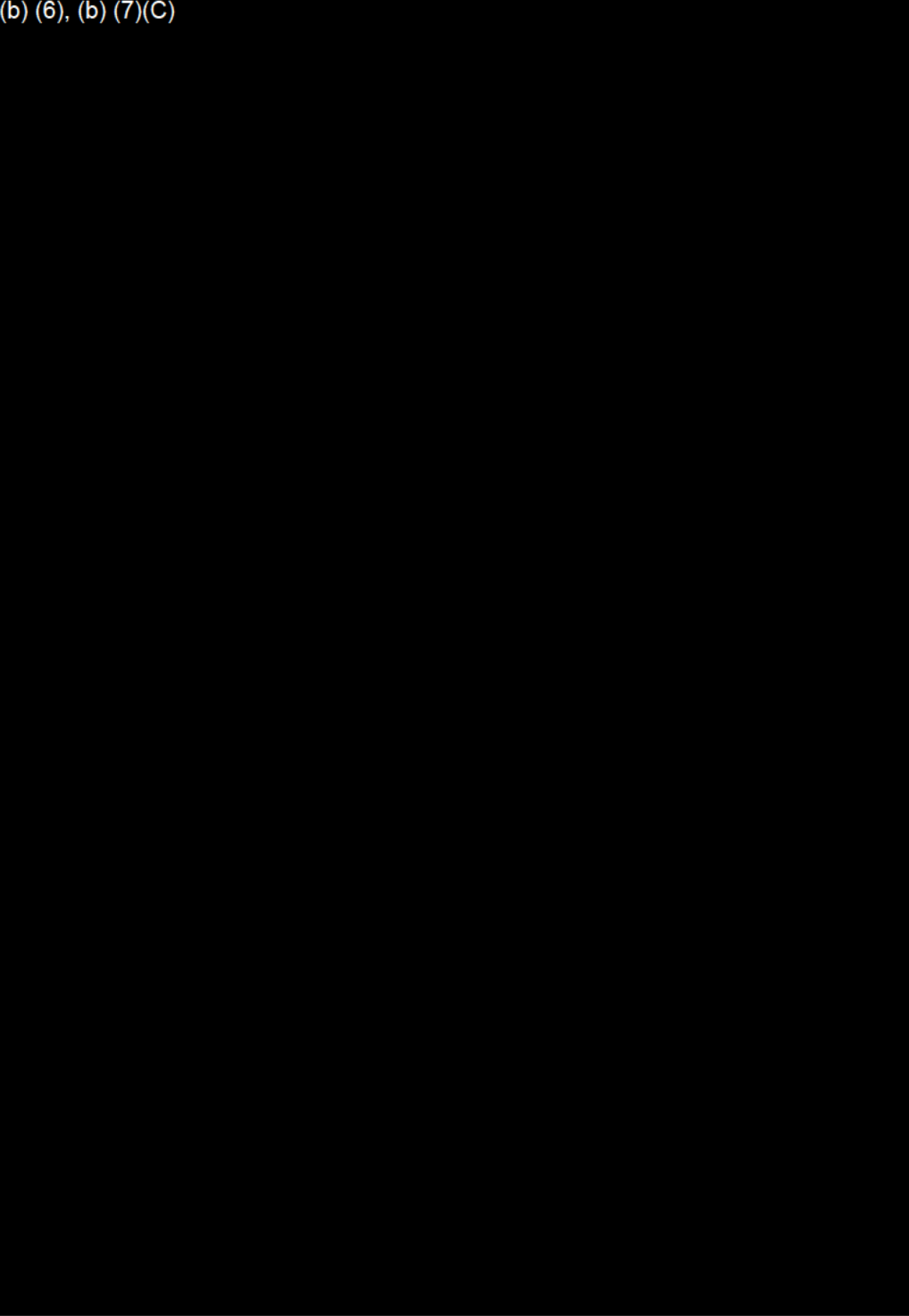
For

For

Union Cd	Last Hire Dt	Bems Id	Employee Name	Base Jobcode	Base Level Grade
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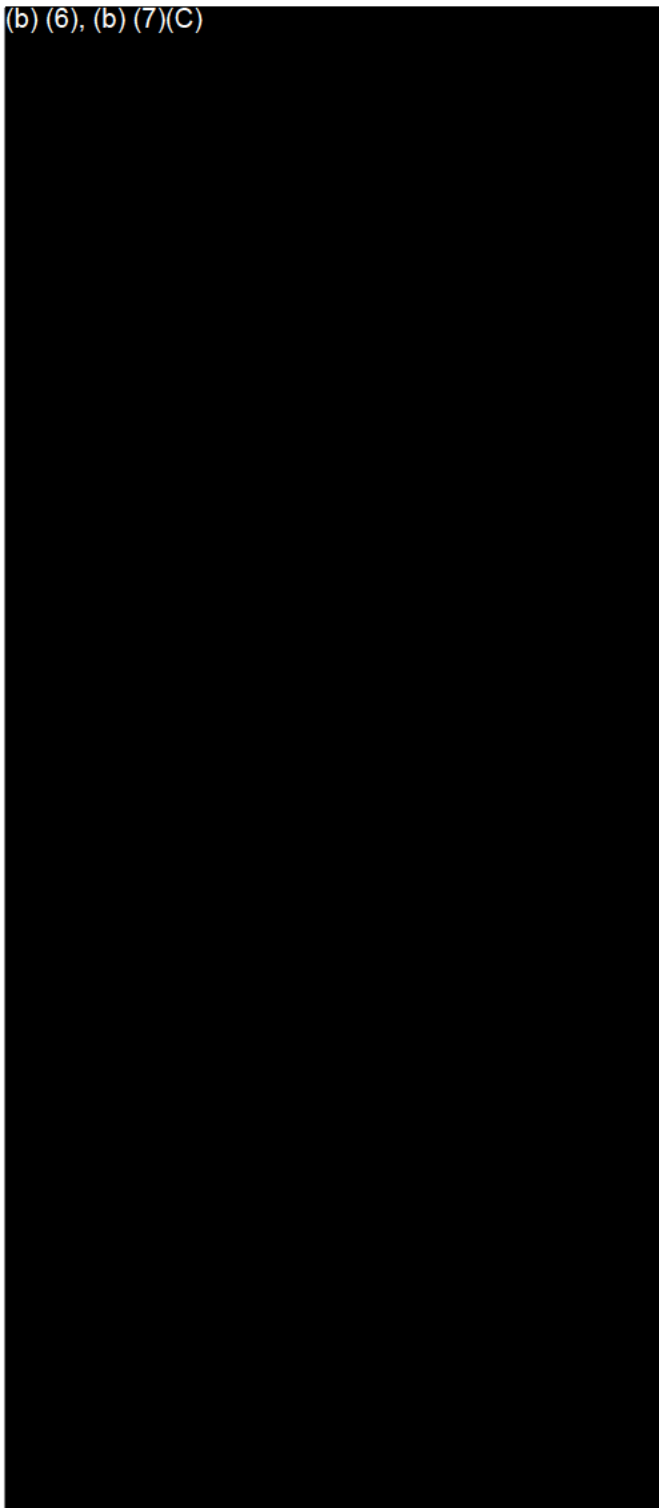
12/31/14 Data					
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(b) (6), (b) (7)(C)



Base Job Title

(b) (6), (b) (7)(C)



From: Ray Goforth <Rayg@speea.org>
Date: January 22, 2020 at 8:20:20 PM PST
To: (b) (6), (b) (7)(C) @boeing.com>
Subject: SPIU information request

(b) (6) I have reviewed your email to me of January 13, in which you contest the premises of the union's December 20, 2019 request for information about the use of bargaining unit pilots, and therefore effectively refuse to supply any information. I set out the information which underlay our request, but this was not a proposal that we argue over that: It was a request for information that is necessary for us to perform our representative function. So, to clarify (and because this information was initially sought, now, more than a month ago), please provide the following no later than [Friday, January 31, 2020](#):

1. Identify all bargaining unit employees who were utilized by Boeing in the 737 MAX crash investigations after the Lion Air and Ethiopia Airlines crashes.
2. Identify all bargaining unit employees (by name and classification) who have been utilized by Boeing in any crash investigation in the 10 years preceding the Lion Air crash.
3. If no bargaining unit employees were utilized by Boeing in the Lion Air and Ethiopia Airlines crash investigations, please produce all communications (including, without limitation, emails; memos; notes whether handwritten or otherwise; documentation of phone calls or conversations) through which the company, in your words, "followed our normal process and assigned personnel with the necessary qualifications and capabilities, . . ." to those investigations, including any such communications and documentation through which it was concluded that there were no bargaining unit Tech or Safety pilots who should be assigned that work.

4. Identify all contract pilots by employer who have been uniformed as Boeing pilots since February 11, 2017 who has performed functions identified as or similar to those of Instructor, standards, safety, technical or simulator-only pilots. For each individual so identified, identify the uses to which such pilots have been put; the customer to whom they have been assigned; and a summary of their qualifications, as presented to Boeing. It is sufficient, in responding to this request, to identify the individuals by anonymous alphanumeric designation.
5. Please provide all of the emails and instant messages requested in the December 20th information request.

Ray

Ray Goforth
Executive Director
SPEEA / IFPTE Local 2001

Increases in over 18 months

**Summer of 2018- 27% increases for nonunion pilots and managers
of 2018 15% increases for 056 (please note no increases for 037)
for 2019**

Salary Review Fund for all pilots (including 056)
ed 037 table 6%

**of 2019- Additional 3% spent on nonunion pilots and managers (not
it on union pilots)**

	Summer/Fall 2018	2019 ACR	Fall 2019
ion	27% OOS	6%	3% OOS
	0%	6%	0%
	15% OOS	6%	0%

THE KELMAN BUESCHER FIRM

PROTECTING ROCKY MOUNTAIN WORKERS
& THEIR UNIONS SINCE 1967

Ellen M. Kelman
Naomi Y. Perera
Andrew H. Turner
M. Jeanette Fedele[†]
Shareholders

February 6, 2020

[†] Also admitted in Texas
and Washington

Matt Fritz-Mauer^{*} *Admitted in D.C.*
Associate

Rachel Cherem
NLRB Region 19
915 2nd Ave., Suite 2948
Seattle, WA 98174-1006

Re: The Boeing Company, 19-CA-254438

Dear Ms. Cherem:

Please consider this the statement of position of the union, Society of Professional Engineering Employees in Aerospace, IFPTE 2001 (SPEEA) in the above-referenced matter. I will attempt briefly to summarize the facts that I believe are established by the affidavits, (b) (6), (b) (7)(C), (b) (7)(D) Offer of Proof (which will be fleshed out further in an affidavit on the (b) (6), (b) (7)(C), (b) (7)(D) and additional information which I am now in a position to provide, and then address the legal issues as I see them: First, whether the allegations adequately support issuing a Complaint on this “Type II” unfair labor practice charge; next, the application of Section 10(b) to the allegations of the charge; and, finally, whether this charge warrants a hearing under *Saint Gobain Abrasives, Inc.*, 342 NLRB 434 (2004).

A. SUMMARY OF THE FACTS¹

The current bargaining unit was established after an *Armour-Globe* election in 2012 formed a bargaining unit of approximately 38 then-represented Instructor Pilots and 67

... full-time and regular part-time standards pilots, safety pilots, technical pilots, and simulator-only pilots/instructors employed by the Employer at or out of

¹ I am including only those facts for which we have provided evidentiary support. I am leaving out our belief that (b) (6), (b) (7)(C) were rewarded with promotions in (b) (6), (b) (7)(C) as a reward for their activity in the 2016 decertification petition and election because our understanding is based on unreportable statements, but we believe that the Region can, at the least, ask questions of Boeing, based on the circumstantial evidence: These (b) (6), (b) (7)(C) were prime movers behind the decertification petition, and both did receive plum assignments thereafter.

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its Renton, Washington facilities; excluding pilots on Pilot Early Leave, BTE pilots, executive pilots, pilots located and working remotely outside the State of Washington, office clericals, guards and super-visors as defined in the Act. (*Attachment 1*)²

The January 3, 2020 decertification petition addresses a unit that was down to 29 when the petitions were filed, was 27 on January 13³, and has been further depleted by four members who left on January 17, 2020.⁴ Indeed, this is so unusual a situation that when the Region first contacted the union about setting an election Ms. Dunn assumed that the description of the unit in the decertification petition was wrong.

The issues that have eaten away at the unit are set out by the union affidavits as follows:

1. Almost immediately after the simulator-only pilots were added to the bargaining unit, Boeing moved the simulators to Florida, and out of SPEEA's jurisdiction. The company asserted that it had been planning the move for some time, and that the move was driven by legitimate business motives, unrelated to the union. While the union was suspicious, it didn't have enough hard evidence at the time of anti-union motivation to pursue an unfair labor practice charge⁵.
2. From 2014 forward, Boeing local management denigrated the union to our main bargaining unit contact, (b) (6), (b) (7)(C). Through (b) (6), (b) (7)(C) it pressured us to allow (b) (6), (b) (7)(C) to deal directly with local management, by-passing the more usual efforts by the union to

² The Airplane Manufacturing Pilots Association was merged into SPEEA around the same time.

³ *Attachment 2* is a summary document (pivot table) pulled from information provided by Boeing to SPEEA on January 28, 2020 in conjunction with the now-on-going collective bargaining. As explained in (b) (6), (b) (7)(C), (b) (7)(D) affidavit, Union code 37 references the former AMPA pilots; Code 56 the pilots who were added in the *Armour-Globe* election. The distinction is addressed further below.

⁴ There were 41 active unit members as of December 31, 2014. *Attachment 3*. (The highlighting is from Boeing's original document. I don't know it's significance.)

(b) (6), (b) (7)(C), (b) (7)(D) has confirmed that the (b) (6), (b) (7)(C) individuals we were told were leaving the unit after the January 17 pay period in fact did so.

⁵ In retrospect, it is - at the least - *curious* that the simulator pilots were added to the unit effectively at the insistence of Boeing (*Attachment 4*, excerpt from DDE in Case 19-RC-71950), if Boeing had already begun plans to move the simulators. This juxtaposition suggests that there may have been plans to undermine the unit as soon as it was formed.

work with Labor Relations/HR when workplace problems arose. Again, the union was hamstrung in pursuing a charge over this pattern of behavior because the unit member(s) were too intimidated to be willing to testify, fearful that union action would simply increase the retaliation they felt they were already suffering.

Which relates to . . .

3. People become pilots, largely, because they like to fly. This is as true of the bargaining unit pilots as it has always been of all Boeing pilots, but from early in SPEEA's representation of this unit, SPEEA heard both that the unit pilots were **not** being given many opportunities to fly, and that the reason for this was (the unit members understood) specifically **because** they were in a union. The union tried to address Boeing's alleged reasons for limiting unit flying – That supervisors in Boeing Test & Evaluation (BT&E), the organization that largely controls internal Boeing flight, weren't certain about the union pilots' qualifications to fly, and that union pilots weren't always available when needed for flights – in the 2016 negotiations. We worked with Boeing on updating qualifications PRO-12340 and on allowing unit pilots to "hotel" with (stay at the same hotels as) non-union pilots in the BT&E business organization, to increase their availability, both to no apparent avail. This was an on-going problem, not one with a specific date which could have been easy to address through a unfair labor practice charge, even if the unit pilots did not remain unwilling to have the union pursue aggressive legal remedies (to be what management described to unit members as "adversarial"), due to intimidation.⁶
4. Some background to the 2018-2019 salary dispute is necessary and, largely, summarizes and explains parts of (b) (6), (b) (7)(C), (b) (7)(D) affidavit:

In (roughly) 1999/2000, Boeing implemented a uniform job classification system known as the Salary Job Classification, or SJC. At that time, Boeing created classifications for all its pilots including Instructor Pilots and Production Pilots as well as Technical and Safety Pilots. However, the then-AMPA bargaining unit pilots (Instructor and Flight Crew training pilots) did not adopt the new classifications from SJC and their (nominal) job classifications were, and remain, "LS"⁷

⁶ (b) (6), (b) (7)(C), (b) (7)(D)

This can be investigated.

⁷ The "\$" is commonly employed at Boeing to represent extensions past an initial letter (occupational job class) designation. There are a number of "L" (former AMPA), bargaining unit classifications, currently:

L1F

Supv-Flight Crew Training

L2S

The Technical & Safety pilots who *Armour-Globed* into the unit **did** get an SJC code applicable to both union and non-union Tech & Safety Pilots – ADPX. All SJC classifications have an associated “Salary Reference Table” (SRT) by which Boeing compares its salaries to the market. The L\$’s (bargaining unit, formerly AMPA pilots) **don’t** have an SRT, but prior to the events of 2018 – 2019, their salaries were generally comparable to those of the other Instructor pilots (now ADPZ, formerly ADPN), and higher than those of the ADPX (Tech & Safety) pilots, on average and taking into account demographic and work history differences between individuals, and Boeing has never provided SPEEA with any evidence that that relationship has changed in the market. Salaries are normally adjusted annually both for the bargaining unit and the non-bargained employees: The annual “salary review exercise” is referenced in Article 4 of the CBA.

In early 2018, a number of non-union BT&E pilots came to SPEEA, professing an interest in joining the bargaining unit, and asking for help in organizing a presentation to management intended to highlight their below-market pay. The union gave the help (we’ve provided the letter to you) and, ultimately, those pilots got their raises, but they chose, at that point, **not** to join (or credit) the union.

With that in the background:

Sometime in the summer-to-fall of 2018, the union learned that Boeing had conducted a very unusual “off-cycle” salary “exercise” for some pilots, as a group. (b) (6), (b) (7)(C) says (b) (6) has never seen this done before. “Off-cycle” raises had been granted on an individual basis in the past, but this was a classification-wide action.) The increases were summarized for the union by Boeing on January 28, 2020 in Attachment 5 -- The nonunion pilots and their managers got a 27% increase in the summer of 2018 and an additional 3% in the fall of 2019. The bargaining unit ADPX (Tech & Safety) pilots got a 15% raise in the fall of 2018, and all the pilots got 6% in 2019 on top of whatever had been awarded off-cycle.) This meant that the historical parity between the union Instructor pilots and the Production pilots was severed, and that the relative pay of the L\$ pilots and the Tech & Safety pilots had been reversed – Tech & Safety pilots (who share a SJC classification with non-union pilots) now make more money than the L\$ pilots. There appears to have been no justification for these changes, based either on internal pay equity in Boeing (always a purported concern of management) or market data. It could be explained only as a slap at the remaining union pilots.

In the early fall (late September/early October) the union met with Boeing Labor Relations about these raises, and was told, essentially, that similar raises would **not** go to the

Deputy-Flight Crew Trng
FAA Designee-Flt Crew Trg
Instructor Pilot-Flt Crew
L5S
Instructor Pilot-Flt Crew

bargaining unit because Boeing hadn't been "hurt enough" by the unit (this, despite significant and on-going attrition – see the FTA organization chart, previously provided) and that some of the nonunion pilots "had the ear" of executives because they fly them. When the union pointed out that this "off-cycle exercise" had disrupted long-time pay relationships among the pilots, Boeing essentially shrugged, and provided no justification. Thereafter, while the issue was raised repeatedly by union representatives, Boeing's response had always been, in essence, that they would talk about this during 2020 negotiations, but had no interest in an off-cycle, market rate, internal parity-based correction for the unit pilots.

5. The 2018 – 2019 period also marked another bite Boeing took out of bargaining unit work, similar (although not – yet – with the same impact in terms of layoff) as the simulator move in 2013. In October 2018, the Lion Air 737MAX crash occurred; in March 2019, the Ethiopian Airlines 737MAX went down. Crash site investigations have always been within the work jurisdiction of bargaining unit Safety pilots, a central (if thankfully only occasional) function. Sometime after the crashes, the union found out that the unit Safety pilots had been inexplicably excluded from these site investigations. As of today, Boeing's only explanations have been generalized and anodyne: It purports to have assigned personnel to the crash investigations following "normal process" and "assign[ing] personnel with the necessary qualifications and capabilities, balancing the needs of the investigation and other existing and expected work packages.. .⁸"

To the extent that Boeing's explanation is that the existing unit Safety pilots have too much work to be assigned to crash investigations, that is surely the plea of the man who murdered his parents and throws himself on the mercy of the court because he is an orphan: The existing Safety pilots are over-worked because Boeing refuses to replace those who have left, while the "normal process" has always included unit Safety pilots in crash investigations. This is a developing event, but it is part of the same pattern of Boeing undermining the union by devaluing all and only bargaining unit pilots.

6. A separate problem that applies to the Boeing/SPEEA relationship overall but which had an impact on the union's ability to communicate with the bargaining unit for the last seven months of 2019 is that described in (b) (6), (b) (7)(C), (b) (7)(D) affidavit: Boeing's failure to provide (and stubborn failure to correct) accurate bargaining unit information to the union.

SPEEA is a large organization, with five bargaining units -what are generally referred to as the two "Puget Sound" contracts, the Boeing Professional and Technical contracts; the Wichita Spirit Contract; and a contract with Triumph Composite Systems as well as the SPIU pilot contract – covering more than 20,000 employees. It needs systems to be able to keep track of it all: Picking out our smallest bargaining unit to run down membership isn't feasible. That's

⁸ (b) (6), (b) (7)(C) January 13, 2020 email to Goforth, previously supplied.

Rachel Cherem
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why we contract with Boeing to get the information in a useful and timely fashion. That's what Boeing has (still) failed to provide.⁹

B. THESE ALLEGATIONS, AS SUPPORTED IN THE DOCUMENTS AND AFFIDAVITS SPEEA HAS PROVIDED AND WILL PROVIDE, CONSTITUTE A "TYPE II" UNFAIR LABOR PRACTICE CHARGE, AND WARRANT ISSUANCE OF A COMPLAINT.¹⁰

The NLRB's Case Handling Manual (CHM) defines two types of charges in relation to election blocking:

Type I: Charges that allege conduct that only interferes with employee free choice;

Type II: Charges that affect the petition or showing of interest, that condition or preclude a question concerning representation, or that taint an incumbent union's subsequent loss of majority support.

CHM §§ 11730.2, 11730.3.

Type II charges are very serious. Serious enough, in fact, that when "a Type II charge is filed, the charging party should be strongly encouraged to also file a request to block and offer of proof." *Id.* at § 11730.3. Type II charges include actions that affect the decertification petition, and actions that taint a union's subsequent loss of majority support.

This ULP charge is quite obviously a Type II charge: SPEEA has been fighting back a tide of union-busting activity in this bargaining unit for years, and that tide broke out in the second decertification petition filed in the unit, 19-RD-254116. After demanding that the *Armour-Globe* election include the simulator pilots, Boeing announced a (purportedly, long-planned) movement of the simulators to Miami, immediately eliminating approximately one-third of the newly formed unit. Unionized pilots stopped flying because management suddenly didn't know what their qualifications were and continued to be treated as ineligible to fly, even when their qualifications became known and established. Efforts by the union to solve bargaining unit problems through the Labor Relations/HR avenues that the union used and uses successfully for the Puget Sound contracts were dubbed by management too "adversarial" and bargaining unit pilots were urged to steer SPEEA away from these avenues because local management would solve the problems instead. Internal pay parity between pilots with similar

⁹ As (b) (6), (b) (7)(C), (b) (7)(D) affidavit explains, Boeing is getting SPEEA weekly updates now, but they cannot be loaded into SPEEA's own system – as Boeing knows – until it provides a complete set of weekly information back to the last "clean" production, in late May 2019.

¹⁰ As we've discussed, (b) (6), (b) (7)(C) can't be available to give (b) (6) affidavit until (b) (6), (b) (7)(C) and you've asked for this statement by the (b) (6). However, you have (b) (6) Offer of Proof, and (b) (6) affidavit will, we believe, echo it on the central issues.

jobs stopped being important when parity would have required giving union pilots the same raises non-union pilots got, and even crash safety investigations were permitted to suffer. Information that would have given the union some additional handle on the problems of the unit was withheld. The union can't offer witnesses to direct interference by Boeing in the decertification petitioning, because the people who told us this happened are afraid to come forward. But the remaining allegations all add up to a clear taint on the union's apparent loss of majority support. Boeing's coercion may be subtle, but it has been coercion nonetheless¹¹.

C. THE ALLEGATIONS OF THE CHARGE INCLUDE SOME THAT ARE REMEDIABLE AND SOME THAT ARE NOT UNDER SEC. 10(B), BUT THAT DISTINCTION IS LARGELY IRRELEVANT TO THE OVERALL EVALUATION OF THE BLOCKING CHARGE.

The legal framework for a 10(b) analysis of a Type II blocking charge such as SPEEA filed here is a little different than the analysis for a more routine ULP – While only some of the actions that we allege occurred within the past six months, all of them have contributed to the apparent loss of majority status represented by the decertification petition and of which we had first notice in early December 2019, when we became aware of rumors that a petition was being circulated:

... , we have considered the Respondent's conduct outside the six-month 10(b) period only for the purpose of determining whether that conduct tainted the decertification petition. We order no remedy for the pre-10(b) conduct; our order remedies only the Respondent's unlawful withdrawal of recognition and subsequent refusal to bargain, conduct that occurred well within the 10(b) period. Accordingly, we affirm the judge's denial of the Respondent's motion to strike the Settlement ULPs.

Denton County Electric Cooperative, Inc., 366 NLRB 303 (2018) (I'll note that this was decided by a 3-judge panel of the Board which included Chairman Ring, with no dissent.)

The affidavits set out the long pattern of anti-union activity by the Company and explains part of the reason why no charges were filed contemporaneously – the bargaining unit had been sufficiently intimidated that it feared retaliation if the union did so. In addition, aside from the SPIU unit, Boeing and SPEEA have a long and generally productive bargaining history, and the union maintained an optimistic belief that Boeing would eventually come to the table to engage in good faith negotiations that would address at least some of the pilots' issues: Basically, we put our faith in collective bargaining as urged by the NLRA, rather than legal remedies that are, themselves, subject both to the delays we commonly see in pursuing unfair labor practice charges to their bitter end and to the winds of political change. The early actions – the “long-planned” move of the simulators; the subtle discrimination against our pilots in flight

¹¹ The Board has never required that coercive conduct be gross or crude to be unlawful. See e.g. *In re York Division, Borg-Warner Corp.*, 229 N.L.R.B. 1149, 1154 (1997); *Hand*, 276 N.L.R.B. 861, 869 (1985); *In re Am. Greetings Corp.*, 146 N.L.R.B. 1440, 1441 (1964).

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assignments – would have been difficult to prove, standing alone, as unfair labor practices. They represented, in effect, Boeing starting to raise the temperature of the pot in which the union was being boiled.

Then, even after the discriminatory raises for non-union pilots and the company balked at addressing this immediately, the union maintained its good faith belief that this was a matter that would and could be addressed in contract negotiations in 2020, adding it into bargaining issues that the union raised in June of 2019.¹² When rumors began to circulate in early December 2019 of the decertification petition, the union raised the issue again of correcting the inequity **before** the new contract, in the context of discussions with the company about other matters. (b) (6), (b) (7)(C) can address this further in (b) (6) affidavit.) It was only at that point, when the company categorically rejected the idea of addressing this problem before the contract negotiations in terms that gave the union to understand that the company was aware and supportive of the decertification movement, that the union had “actual and unequivocal notice” (*N.L.R.B. v. Walker Const. Co.*, 928 F.2d 695 (5th Cir. 1991)) that the Employer’s actions were part of an scheme to undermine the union (*Cf. In Re Natico, Inc.* 302 NLRB 668 (1991), looking to when the union’s mistaken understanding about the employer’s actions were transformed into reasonable notice of an unfair labor practice).

This part of the charge, then, is timely based on when the union could reasonably be charged with actual knowledge of the company’s scheme to cost it majority support. At the same time, we acknowledge that the remedy may not include back pay to eliminate the 2018 and early 2019 salary inequities. The same reasoning would apply to some of the other elements of the charge, specifically the movement of the flight simulators out of the bargaining unit’s jurisdiction.

Other parts of the charge are within the 10(b), remediable, period. The issues surrounding the transition from Total Access to the Workday (or Worklife) system only became fully apparent in the fall of 2019, as Boeing stretched out the time to update its files and provide “clean” data to a union that Boeing understood would not even be able to utilize the data for some time after it was provided. The information request to which reference is made in the charge has been provided, along with the company’s responsive refusal: Again, because of the short time periods within which events are happening, the union’s December 19 request asked for a reply by January 8 and, none having been received, we could only allege in the January 9 charge that the information had NOT been provided, because it had not YET been refused. It has, now. A follow-up request on January 22 from Mr. Goforth to (b) (6), (b) (7)(C) – Attachment 6 – has elicited no response.

Also on December 20, the union made an information request (previously provided) for basic economic information in anticipation of the 2020 contract negotiations. The contract expires on March 6, so time is of the essence in the exchange of basic bargaining information. Most of that information was (finally) supplied on January 28, 2020 but tardy compliance with a

¹² See June 13, 2019 email from Rich Plunkett to (b) (6), (b) (7)(C), previously supplied.

time-sensitive information request does not moot the unfair labor practice. "[T]he duty to supply information includes the duty to do so in a timely fashion." *Mary Thompson Hospital*, 296 NLRB 1245, 1250 (1989), *enfd.* 943 F.2d 741 (7th Cir. 1991); *Cf. U.S. Postal Service*, 332 NLRB 635, 636 (2000) (settling or resolving a grievance doesn't moot an unfair labor practice charge over an employer's refusal to provide information needed for grievance processing.)

D. THE UNION'S REQUEST FOR A *St. Gobain* HEARING SHOULD BE GRANTED.

The union requested a *St. Gobain* hearing in the conjunction its request to block the election in 19-RD-254116, based upon the instant charges. It will note, though, that if the Region determines that a complaint should issue on all or some of the allegations of this charge, **and continue to hold the decertification election in abeyance**, the hearing on this matter might obviate the need for such a hearing. *See Linwood Care Center*, 365 N.L.R.B. No. 24 (2017).

However, in the event that the Region determines that causation needs to be addressed immediate, in order to support the continued block on the election, SPEEA will note that it is in the context of actions tainting the union's loss of support that the CHM discusses *St. Gobain* hearings. *Id.* at § 11730.3(c). The Manual explains what a *St. Gobain* hearing is and the processes that should be followed when a Type II "taint" charge is filed:

In [*St. Gobain*], the Board concluded that a hearing should be held to resolve genuine factual issues as to whether there was a causal nexus between alleged unfair labor practices and the filing of a decertification petition before the dismissal of such a petition. Accordingly, in such circumstances the regional office should encourage that a request to block and offer of proof be filed. It should also conduct a preliminary administrative investigation and proceed as follows:

- (a) If no evidence of causal nexus exists, e.g., the showing of interest was obtained prior to the alleged unlawful conduct or the disputed conduct was de minimis or isolated:
 - No further consideration should be given to dismissal of the petition;
 - The decision to treat the charge as blocking the processing of the petition should be reconsidered.
- (b) If evidence may support a finding of a causal nexus:
 - Contact the Division of Operations-Management as to the appropriate action including a possible hearing on the causal nexus issue;
 - Advise the Office of Representation Appeals of the issue;
 - Grant the request to block and continue to treat the charge as blocking the processing of the petition.

Id.

To evaluate causation, the Board applies the multifactor test developed in *Master Slack*, 271 NLRB 78 (1984). *St. Gobain*, 343 NLRB at 434. The relevant issues include:

1. The length of time between the ULP(s) and withdrawal of recognition (or, in this case, filing of decertification petition);
2. The nature of the illegal acts, including the possibility of their detrimental or lasting effect on employees;
3. Any possible tendency to cause employee disaffection from the union; and
4. The effect of the unlawful conduct on employee morale, organizational activities, and union membership.

Master Slack, 271 NLRB at 84.

Even though the fourth factor mentions “employee morale,” the test “is an objective one,” and “[t]he relevant inquiry at the hearing does not ask employees *why* they chose to reject the union.” *St. Gobain*, 343 NLRB at 434 n.2. Nor does a “causal nexus” require *direct* evidence of what motivated employees to petition for decertification. *Veritas Health Servs., Inc. v. NLRB*, 895 F.3d 69, 84 (D.C. Cir. 2018) (citing *Overnite Transport. Corp.*, 333 NLRB 1392, 1394-95 & n.16 (2001); *United Supermarkets*, 287 NLRB 119, 120 (1987)). “Instead, the Board has held that ‘it is the objective evidence of the commission of unfair labor practices that has the tendency to undermine the Union, and not the subjective state of mind of the employees, that is the relevant inquiry in this regard.’” *Veritas Health Servs.*, 895 F.3d at 82 (quoting *AT Sys. West, Inc.*, 341 NLRB 57, 60 (2004)). To that end, the Board will draw reasonable inferences to determine whether employer activity tainted a decertification petition. *See Wire Prods. Mfg. Corp.*, 326 NLRB 625, 627 & n.13 (1998) (examining ULPs’ “foreseeable tendency to weaken employee support for the Union . . . to infer that they contributed to the employee disaffection”). In fact, finding a causal nexus does **not** even require proving “actual knowledge by the employees of the unfair labor practices.” *Id.*

Until the fall of 2019, when the final non-union pilot pay raises played out (3% on top of 6% on top of 27%) and the employer stood on its insistence that it wouldn’t address this huge internal and market-based pay inequity until contract negotiations which, by the nature of things, would only occur after the filing of the rumored decertification petition, it would have been hard for the union to draw together all the threads into a single tapestry of anti-union activity. But

Rachel Cherem
NLRB Region 19
915 2nd Ave., Suite 2948
Seattle, WA 98174-1006
Page | 11

once the pattern emerged, the charge was filed: The Region should now allow proof to be brought forward in an open hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ellen M. Kelman", with a small "for" written to the right.

Ellen M. Kelman

EMK (b) (6), (b) (7)(C)
Rich Plunkett, via e-mail
Ray Goforth, via e-mail
Jason Collette, via e-mail

opeiu30
afl-cio

Cur Union Cd	Employee Name	Base Job Title	Count of Employee Name
(b) (6), (b) (7)(C)			
Grand Total			27

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

THE BOEING COMPANY

Employer

and

Case 19-RC-71950

AIRLINE MAUFACTURING
PILOTS ASSOCIATION

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under § 9(c) of the National Labor Relations Act (the Act), as amended, a hearing was held before a hearing officer of the National Labor Relations Board (the Board).¹ Pursuant to the provisions of § 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned. Upon the entire record in this proceeding, I make the following findings and conclusions.²

I. SUMMARY

The Boeing Company (the Employer) designs, manufactures and sells aircraft that are operated throughout the world by airlines, governments and other entities. The Airline Manufacturing Pilots Association (Petitioner), currently represents approximately 38 of the Employer's instructor pilots employed at its Renton, Washington facility (existing unit).

Petitioner seeks a self-determination election among a voting group of approximately 62 technical pilots, safety pilots, standards pilots, and simulator-only pilots³ (the "voting

¹ The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. The labor organization involved claims to represent certain employees of the Employer and a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of § 9(c)(1) and § 2(6) and (7) of the Act.

² The parties submitted briefs following the initial pre-election and, again, following the re-opened hearing, discussed below. I have carefully considered each of the parties' respective briefs.

³ The parties have used the terms "simulator-only pilots" and "simulator-only instructors" to refer to the same group of employees. For ease of reference herein, I have generally used the term "simulator-only pilots."

group") to determine whether they wish to join the existing unit.⁴ The Employer opposes the amended petition because the voting group does not constitute an identifiable, distinct group of employees; the proposed expanded unit of pilots is not readily identifiable within the Employer's administrative or organizational structures (i.e., is a "fractured" unit); the voting group and the existing unit do not share a sufficient community of interest; and/or because the self-determination or *Armour Globe* election process is inappropriate here, where the proposed voting group is nearly twice the size of the existing unit.

While Petitioner asserts the amended, petitioned-for voting group is appropriate for purposes of a self-determination election, it stated a willingness to proceed to a self-determination election in any alternate voting group found appropriate by the Acting Regional Director. Although Petitioner does not seek an election in a stand-alone unit of technical, safety, and standards pilots, the Employer does not oppose the direction of an election in such a unit.

I have carefully reviewed and considered the record evidence and the arguments put forth in the parties' respective post-hearing briefs. For the reasons expressed below, I find that the proposed voting group constitutes a distinct, identifiable segment of the Employer's workforce and, thus, constitutes an appropriate voting group. Additionally, I find that a combined unit composed of the voting group and the existing unit of pilots does not constitute a "fractured" unit. Moreover, I find that the voting group (technical, safety, standards, and simulator-only pilots) shares a sufficient community of interest with the existing unit pilots to allow the former group the opportunity to vote to be included in a combined unit with the latter. Accordingly, I am directing an election in the amended petitioned-for voting group.

Below, I have set forth the relevant evidence contained in the record, and articulated the legal standards utilized by the Board in regard to self-determination elections and community of interest factors. I have then applied those standards to the evidence and articulated the rationale for my determination. Following that, I have directed an election and addressed the process for requesting review of this decision.

⁴ An "Order Reopening Record and Notice of Representation Hearing" issued in this case following the initial pre-election hearing. The reasons for reopening the record are detailed in the Order. Among the reasons were certain issues and/or arguments raised in the Employer's initial brief, including the argument that Petitioner's initial petition failed to include simulator-only pilots, BTE pilots, and certain other pilots. The Employer's initial brief also argued that the voting group and existing unit, as a combined unit, fell short of an all "pilots" unit. The Employer's arguments in this regard appeared to conflict to a degree with the parties' joint stipulation that the petitioned-for voting group represented a distinct and identifiable segment of the Employer's work force and joint stipulation to exclude the BTE pilots, ADPX pilots working remotely, executive pilots, and pilots who are on "Pilot Early Leave." At the reopened hearing, Petitioner amended its petition to add the simulator-only pilots to the voting group. The Employer, in response to the amended petition, withdrew from that portion of the parties' prior joint stipulation that "[t]he Employer is not raising issues that the voting group does not constitute a distinct and identifiable segment of the work-force." Notwithstanding the foregoing, the Employer continues to adhere to the parties' joint stipulation regarding the four exclusions described above.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

ORAL WITHDRAWAL REQUEST

In the matter of The Boeing Co., Case 19-CA-254438

On February 14, 2020, via phone, charging party attorney Ellen Kelman requested withdrawal of this unfair labor practice charge.

Oral Withdrawal Request approved:

2/14/20
(Date)

RK/Vopks
Regional Director
National Labor Relations Board

By: /s/ Rachel Cherem
(Board Agent)

Dated: 02/14/2020



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

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February 14, 2020

BRENNAN BOLT, ESQ
PERKINS COIE LLP
500 N AKARD ST, STE 3300
DALLAS, TX 75201-3347

Re: The Boeing Company
Case 19-CA-254438

Dear Mr. BOLT:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

RONALD K. HOOKS
Regional Director

cc: JILL ANTONIN, LABOR RELATIONS
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